

# Whangarei District Council Meeting

## Agenda

**Date:** Thursday, 22 October, 2020  
**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 Vince Cocurullo  
Cr Nicholas Connop  
Cr Ken Couper  
Cr Tricia Cutforth  
Cr Shelley Deeming  
Cr Jayne Golightly  
Cr Phil Halse  
Cr Greg Innes  
Cr Greg Martin  
Cr Anna Murphy  
Cr Carol Peters  
Cr Simon Reid

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

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- 9.3. Confidential Minutes Extra ordinary Whangarei District Council 6 October 2020

## **10. Closure of Meeting**

Recommendations contained in the Council agenda may not be the final decision of Council.

Please refer to Council minutes for final resolution.



## 4. Public Forum

**Meeting:** Whangarei District Council  
**Date of meeting:** 22 October 2020  
**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.

#### Speakers

Speaker	Subject
Robin Lieffering	On behalf of the Positive Aging Advisory Group

#### 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
Chris Twiss	I Have A Dream Organisation – update on expansion plans
<b>Report</b> Chris Twiss, Acting Chief Executive, provided an update on the work undertaken by the Foundation including the proposed Northland expansion plans. Further information on the I Have a Dream Foundation can be found on their website: <a href="https://ihaveadream.org.nz/">https://ihaveadream.org.nz/</a> <b>Response</b> Council thanks Chris for his presentation and acknowledge the wonderful work being	

undertaken by the Foundation.	
Speakers	Subject
Bev Woods	Dogs on Beaches
<p><b>Report</b></p> <p>Bev Woods spoke about Dogs in the Ruakaka Wild Life Refuge and specifically the lack of adequate signage.</p> <p>Bev Woods speaking notes were tabled.</p> <p><i>Response</i></p> <p>Council acknowledge regulation of the coastal marine area is a complex matter. As mentioned in our earlier response, within the limitations imposed by the current legislative frameworks the most effective means of ensuring issues of biodiversity are addressed is through collaboration between the District and Regional Councils and the Department of Conservation. I note in that respect that the Northland Regional Council and the Department for Conversation have more direct responsibility in relation to issues around managing threats to natural resources, including environments and species. Whangarei District Council's jurisdiction within that space is very limited.</p> <p>The general power to make council Bylaws is provided for under section 145 of the Local Government Act 2002 and is confined to matters relating to protecting the public from nuisance, protecting, promoting, and maintaining public health and safety and minimising the potential for offensive behaviour in public places. Accordingly, the Control of Vehicles on Beaches Bylaw 2009 has a very limited scope. The Bylaw pertains only to regulating the use of vehicles on beaches for the purpose of protecting, promoting, and maintaining public health and safety and protecting the public from nuisance. For this reason, the vehicle bans in the Bylaw are not able to be applied to the entire "ebb and flow" expanse of all beaches in our District (the area between the Mean High Water Springs down to the line of Mean Low Water Mark). Instead, vehicle bans are only applied on those parts of the beach where there is material evidence of issues relating to public health and safety.</p> <p>All the areas that were deemed suitable, based on available facts, for a vehicle ban within the jurisdiction of Council are listed in Schedule 1 to the Bylaw. These areas are Ruakaka Beach South, Ruakaka Beach North and Langs Beach. Vehicles are also prohibited on all dunes where Council-owned land adjoins the coastal marine area. Although vehicles in these areas were prohibited for the purpose of protecting public health and safety there is also an added benefit of assisting with the protection of biodiversity.</p> <p>The maps of the prohibited areas are included in Schedule 1 to the Bylaw:  <a href="http://www.wdc.govt.nz/PlansPoliciesandBylaws/bylaws/Documents/Control-of-Vehicles-on-Beaches-Bylaw.PDF">http://www.wdc.govt.nz/PlansPoliciesandBylaws/bylaws/Documents/Control-of-Vehicles-on-Beaches-Bylaw.PDF</a></p> <p>The remaining areas in the District where vehicles prohibitions are required for the purpose of protecting biodiversity, sit with the Northland Regional Council and the Department of Conservation. The Ruakaka Wildlife Refuge is under the control of the Department of Conservation.</p> <p>Council would like to reiterate our commitment to working jointly with other agencies and exploring non-regulatory options where possible.</p>	





## 5. Police Report

**Meeting:** Whangarei District Council  
**Date of meeting:** 22 October 2020  
**Reporting officer:** Rob Forlong (Chief Executive)

### 1 Purpose

To update council on Police activities.

### 2 Recommendation

That Council note the report.

### 3 Background

Area Commander Martyn Ruth (New Zealand Police), will update council on Police activities over the last quarter.

### 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.



**Item 6.1**
**Whangarei District Council Meeting Minutes**

**Date:** Thursday, 24 September, 2020  
**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 Nicholas Connop  
 Cr Ken Couper  
 Cr Tricia Cutforth  
 Cr Shelley Deeming  
 Cr Jayne Golightly  
 Cr Phil Halse  
 Cr Greg Innes  
 Cr Greg Martin  
 Cr Anna Murphy  
 Cr Carol Peters  
 Cr Simon Reid

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

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**1. Karakia/Prayer**

*Cr Golightly opened the meeting with a prayer.*

**2. Declarations of Interest**

There were no declarations of interest made.

**3. Apologies**

There were no apologies.

**4. Public Forum**

Chris Twiss - I Have A Dream Organisation - update on expansion plans  
 Bev Woods - Dogs on Beaches

*Cr Peters joined the meeting at 9.06am following public forum speaker Chris Twiss.*

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

### **5.1 Minutes Whangarei District Council Meeting held 27 August 2020**

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Carol Peters

That the minutes of the Whangarei District Council meeting held on Thursday 27 August 2020, 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 Establishment of a Standing Committee to support Māori participation in decision making**

**Moved By** Her Worship the Mayor

**Seconded By** Cr Greg Innes

That Council:

1. Note the progress made through the Māori Participation in Decision Making Working Group and Te Kārearea Strategic Partnership Forum on the procedure and Terms of Reference for the establishment of a standing committee.
2. Agree to the establishment of Te Kārearea Strategic Partnership Standing Committee for the 2019-2022 triennium to support Maori participation in decision making.
3. Adopt Te Kārearea Strategic Partnership Committee Terms of Reference, including the members, located at Attachment 3.
4. Agree that the position of responsibility held by the Chair of Te Kārearea Strategic Partnership Forum transfers to the Chair of Te Kārearea Strategic Partnership Committee.
5. Note that the bi-monthly hui to be held on the Marae will be chaired by a mandated hapū member in accordance with tikanga.

#### Amendment

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Shelley Deeming

That Council,

1. Note the progress made through the Māori Participation in Decision Making Working Group and Te Kārearea Strategic Partnership Forum on the procedure and Terms of Reference for the establishment of a standing committee.
2. Note that the decision to establish a Te Kārearea Strategic Partnership Standing Committee is of high significance, and interest to the general public and that to establish the Committee without consultation and engagement with the public is a departure from usual practice.
3. Agree that the decision regarding the establishment of a Te Kārearea Strategic Partnership Standing Committee be deferred until the public have had the opportunity to be informed of the proposal and to participate in meaningful engagement the level of which is to be determined.
4. Note that the Te Kārearea Strategic Partnership Forum continue monthly meetings held alternately at Council and nominated Marae to maintain established consultation and engagement between WDC and Hapu.

*On the amendment being put Her Worship called for a division:*

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor		X	
Cr Gavin Benney		X	
Cr Vince Cocurullo	X		
Cr Nicholas Connop		X	
Cr Ken Couper		X	
Cr Tricia Cutforth		X	
Cr Shelley Deeming	X		
Cr Jayne Golightly		X	
Cr Phil Halse		X	
Cr Greg Innes		X	
Cr Greg Martin	X		
Cr Anna Murphy		X	
Cr Carol Peters		X	
Cr Simon Reid		X	
<b>Results</b>	<b>3</b>	<b>11</b>	<b>0</b>

**The amendment was Lost (3 to 11)**

*On the motion being put Her Worship the Mayor called for a division:*

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor	X		
Cr Gavin Benney	X		
Cr Vince Cocurullo		X	
Cr Nicholas Connop	X		
Cr Ken Couper	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming		X	
Cr Jayne Golightly	X		
Cr Phil Halse	X		
Cr Greg Innes	X		
Cr Greg Martin		X	
Cr Anna Murphy	X		
Cr Carol Peters	X		
Cr Simon Reid	X		
<b>Results</b>	<b>10</b>	<b>4</b>	<b>0</b>

**The motion was Carried (10 to 4)**

*Cr Reid gave notice of his intention to move a further amendment.  
The further amendment was proposed but withdrawn with the consent  
of the meeting.*

#### Election of Chairperson

Her Worship sought nominations for the position of Chairperson.  
Councillor Phil Halse was proposed as Chairperson.

**Moved By** Her Worship the Mayor

**Seconded By** Cr Carol Peters

That Council elect Councillor Phil Halse as Chair of the bi-monthly Te  
Kārearea Strategic Partnership Committee in accordance with sections  
5.4 and 5.6 of Standing Orders.

**Carried**

*Cr Cutforth abstained from voting on the election of the Chairperson.*

#### Acknowledgement

The meeting observed a minutes silence to acknowledge the passing  
of former Mayor Craig Brown.

*A break was taken from 10.25am to 10.40am.*

## 6.2 Joint Climate Change Adaptation Committee

**Moved By** Cr Carol Peters

**Seconded By** Cr Nicholas Connop

That the Council:

1. agrees to the establishment of a Joint Council Climate Change Adaptation Committee between the Whangarei District Council, Far North District Council, Kaipara District Council and the Northland Regional Council, as provided for in the Local Government Act 2002 (Clause 30 and 30A Schedule 7);
2. adopts the draft terms of reference (Attachment 1) for the joint committee and acknowledges that this fulfils the requirements of 30A(1).
3. nominates two elected members to the joint committee. Councillor Anna Murphy as primary member and Councillor Innes (Deputy Mayor) as alternate member in the event Councillor Anna Murphy is unable to attend.
4. Notes that Te Huinga hapū nominations to the committee will be considered at Te Kārearea Strategic Partnership Standing Committee prior to being confirmed by Council.

**Carried**

## 6.3 Appointment to Northland Regional Council Urban Whangarei River Liaison Working Group

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Greg Martin

That the Council approves the appointment of Councillor Vince Cocurullo to the Northland Regional Council Urban Whangarei River Liaison Working Group.

**Carried**

## 6.4 Consultation on the Draft Whangarei District Growth Strategy

**Moved By** Cr Greg Innes

**Seconded By** Cr Anna Murphy

That Council;

1. Endorses the Draft Whangarei District Growth Strategy (Attachment 1) for public consultation.
2. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Draft Whangarei District

Growth Strategy and to approve the final design and layout of the document prior to final printing and publication.

**Carried**

*Cr Cocurullo requested his vote against be recorded.*

## **6.5 Dangerous, Affected and Insanitary Buildings Policy Review - Deliberations and Adoption**

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Vince Cocurullo

That Council:

1. Receive the written submission to the Dangerous, Affected and Insanitary Buildings Policy included as **Attachment One**;
2. Note that the submitter did not wish to be heard at a formal hearing;
3. Deliberate on the matters raised in the submission.

**Carried**

**Moved By** Her Worship the Mayor

**Seconded By** Cr Greg Innes

That Council note the submission and that it is outside the scope of the Policy and request staff inform the submitter of the proposed industry workshop on Earthquake Prone Buildings.

**Carried**

**Moved By** Cr Tricia Cutforth

**Seconded By** Cr Shelley Deeming

That having deliberated Council;

1. Confirm the Dangerous, Affected and Insanitary Buildings Policy as proposed in the Statement of Proposal included as **Attachment Two**;
2. Adopt the Dangerous, Affected and Insanitary Buildings Policy included as **Attachment Three**.

**Carried**

*Cr Benney left the meeting at 11.19am.*

## **6.6 Maungakamea Lease of Local Purpose (Fire Station) Reserve to Fire and Emergency New Zealand**

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Vince Cocurullo

That the Whangarei District Council approves a lease of the Local Purpose (Fire Station) Reserve legally described as Section 1 SO Plan 65563 to Fire and Emergency New Zealand for a period of 20 years

and rental being \$500/annum being the community lease fee in Council's fees and charges.

**Carried**

## **6.7 Speed Limit Bylaw - Waipu South and Beaches**

**Moved By** Cr Ken Couper

**Seconded By** Cr Vince Cocurullo

That Whangarei District Council

1. Adopt the attached "Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019 – Waipu South Langs Beach" for consultation.
2. Undertakes consultation on the proposed changes to speed limits 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. Confirms that the submission period of the speed limit review will open on 29<sup>th</sup> October and close on 18<sup>th</sup> December with Hearings scheduled for early 2021.
4. Delegates the Chief Executive to make any necessary minor drafting or presentation amendments to the to the attached Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication.

**Carried**

## **6.8 Speed Limit Bylaw - Speed Limit Consultation**

**Moved By** Her Worship the Mayor

**Seconded By** Cr Anna Murphy

That Whangarei District Council

1. In its capacity as Road Controlling Authority, pursuant to Section 22AB(1)(d) of the Land Transport Act 1998, confirm new speed limits as set out in Attachment 1 - "Regional Speed Limit Review – Waipu, Ruakaka / One Tree Point (Marsden) and Vinegar Hill - Recommendations Report", except for Te Toiroa Road, which will be 20kph.
2. Defers making amendments to the Speed Limits Bylaw 2019 set out in Attachment 1 "Regional Speed Limit Review – Waipu, Ruakaka / One Tree Point (Marsden) and Vinegar Hill - Recommendations Report" until signage to make the new speed limits enforceable is installed.

**Carried**

## 6.9 Temporary Road Closure - Whangarei Christmas Parade 2020

**Moved By** Cr Vince Cocurullo

**Seconded By** Cr Nicholas Connop

That Whangarei District Council,

1. Approves the proposal to temporarily close the following roads to ordinary traffic for the Whangarei Christmas Parade on the following date in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965.

### **Saturday 28 November 2020**

**Railway Road**, from Woods Road to the Rail Station, 6:00am to 11:30am for parade vehicular assembly.

**James Street**, from Cameron Street to Robert Street, 6:00am to 1:00pm for the finishing of the parade.

**Cameron Street**, from John Street including the James Street closure, 6:00am to 1:00pm for the finishing of the parade.

The roads indicated with green arrows on the attached map will be a rolling parade, traffic management approval for these will be managed through the Whangarei District Council Roading Department.

2. Delegates to the Chair of the Infrastructure Committee and General Manager Infrastructure the power to give public notice of these proposed temporary closures, to consider any objections and to either approve, cancel or amend any or all of the temporary road closures if applicable.

**Carried**

*Cr Murphy left the meeting at 11.44am during discussion on Item 6.9.*

*Cr Benney left the meeting at 9:26 a.m.*

## 6.10 Contract Award for CON18078 for Construction of the New Town Basin Park

**Moved By** Her Worship the Mayor

**Seconded By** Cr Shelley Deeming

That Whangarei District Council;

1. Approves additional unbudgeted capital expenditure of \$1,307,000 in financial year 2020/21 to the New Town Basin Park project.
2. Approves additional unbudgeted capital expenditure of \$1,078,000 in financial year 2020/21 for urgent works to the Town Basin boardwalk, wharf and seawall, to enable works to be delivered at the same time as the New Town Basin Park project.

3. Approves the carry forward of \$2,385,000 from financial year 2020/21 into financial year 2021/22 from the Pohe Island Development budget to offset the additional budget and work at the Town Basin.
4. Approves award of contract CON18078 Construction of the New Town Basin Park to Robinson Asphalts Ltd for \$6,637,678.15 (exclusive of GST).
5. Delegates authority to the Chief Executive to authorise contract variations to a maximum contract value of \$6,987,678.15, allowing for a standard 10% construction contingency.

#### Amendment

**Moved By** Cr Phil Halse

**Seconded By** Cr Vince Cocurullo

That Whangarei District Council;

1. Approves additional unbudgeted capital expenditure of \$1,307,000 in financial year 2020/21 to the New Town Basin Park project.
2. Approves additional unbudgeted capital expenditure of \$1,078,000 in financial year 2020/21 for urgent works to the Town Basin boardwalk, wharf and seawall, to enable works to be delivered at the same time as the New Town Basin Park project.
3. Approves the carry forward of \$2,385,000 from financial year 2020/21 into financial year 2021/22 from the Pohe Island Development budget to offset the additional budget and work at the Town Basin.
4. Approves award of contract CON18078 Construction of the New Town Basin Park to Robinson Asphalts Ltd for \$6,637,678.15 (exclusive of GST).

*On the amendment being put Cr Halse called for a division:*

	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Her Worship the Mayor		X	
Cr Vince Cocurullo	X		
Cr Nicholas Connop		X	
Cr Ken Couper	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming		X	
Cr Jayne Golightly	X		
Cr Phil Halse	X	X	

Cr Greg Innes		X	
Cr Greg Martin		X	
Cr Anna Murphy		X	
Cr Carol Peters		X	
Cr Simon Reid	X		
<b>Results</b>	<b>5</b>	<b>9</b>	<b>0</b>

**The amendment was Lost (5 to 9)**

**The motion was Carried**

*Cr Reid requested his vote against the motion be recorded.*

*Cr Peters was absent from the meeting from 11.46am to 12.00pm.*

*Cr Murphy re-joined the meeting at 11.48am.*

*Cr Couper was absent from the meeting during 11.55am to 11.57am.*

#### **6.11 Carruth Street Carpark - Parking Charges**

**Moved By** Cr Vince Cocurullo

**Seconded By** Her Worship the Mayor

That Council;

1. Rescinds the following resolution adopted at the Infrastructure Committee meeting on the 13 July 2017:

*‘That Council;*

- a) approves the installation of Parking Charges in the Carruth St Carpark,*
- b) that the carpark shall be a metered zone as set out in Plan No 4021 attached to the report,*
- c) that the fee payable shall be at the rate of \$2.00 per hour or part thereof,*
- d) that the metered zone hours be Monday to Friday, 8am to 6pm,*
- e) that there be no charges on Saturdays and Sundays,*
- f) agrees that the resolutions be released to the open record once negotiations have concluded.’*

2. And resolves;

That Council approves;

- a) the installation of Parking Charges in the Carruth Street Car Park,

- b) that the Carruth Street Carpark shall be a metered zone as set out in Plan No 4021 attached to the report,
- c) that the fee payable shall be at the rate of \$2.00 per day or part thereof,
- d) that the metered zone hours be Monday to Friday, 8am to 6pm,
- e) that there be no charges on Saturdays and Sundays, and
- f) notes that the new parking charges will come into force once the signage is changed.

#### Amendment

**Moved By** Cr Anna Murphy

**Seconded By** Cr Phil Halse

- c) that the fee payable shall be at the rate of \$1.00 per hour or part thereof.

**The amendment was Lost  
The motion was Carried\**

*Cr Reid left the meeting at 12.20pm during discussion on Item 6.11.*

*A break was taken from 12.32pm to 1.02pm following Item 6.11.*

*Crs Halse and Cutforth did not join the meeting immediately following the tea break.*

*Item 7.1 was taken after the break.*

### **6.12 Cobham Oval Carpark Upgrade - Approval for Additional Budget**

Subsequent to the agenda being circulated Item 6.12 Cobham Oval Carpark Upgrade - Approval for additional budget was distributed separately within the timeframes specified in LGOIMA.

**Moved By** Cr Shelley Deeming

**Seconded By** Cr Greg Martin

That the Council approves unbudgeted capital expenditure of \$510,543 for the up-grade of the Cobham Oval car park.

**Carried**

*Cr Cutforth rejoined the meeting at 1.13pm during after Item 6.12.*

## **7. Information Reports**

### **7.1 Financial Report for the two months ending 31 August 2020**

**Moved By** Cr Greg Innes

**Seconded By** Cr Greg Martin

That the Council notes the operating results for the two months ending 31 August 2020.

**Carried**

*Item 6.12 was taken after Item 7.1.*

## 8. Public Excluded Business

**Moved By** Cr Greg Innes

**Seconded By** Cr Vince Cocurullo

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 Meeting 27 August 2020	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Confidential Minutes Extraordinary Whangarei District Council Meeting 4 August 2020		
1.3	Formalising Access Over Council Reserves		
1.4	Marina Berth Replacement		

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 open 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	Section 7(2)(i)

	disadvantage negotiations (including commercial and industrial negotiations)	
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**Carried**

## **9. Closure of Meeting**

The meeting concluded at 1.29pm

Confirmed this 22<sup>nd</sup> day of October 2020

Her Worship the Mayor Sheryl Mai (Chairperson)



## 7.1 Risk Management Policy and Supporting Framework

**Meeting:** Whangarei District Council

**Date of meeting:** 22 October 2020

**Reporting officer:** Emily Thompson

### 1 Purpose

To refer to Council the risk management policy and framework as agreed by the Risk and Audit Committee during their meeting on 23 September 2020.

### 2 Recommendations

That the Council

- a. Adopt the risk management policy
- b. Note the associated risk management framework.

### 3 Background

The purpose of risk management is to identify potential problems before they occur, or, in the case of opportunities, to try to leverage them to cause them to occur. Risk-management activities may change over time depending on the likelihood and potential impact of a risk. It is a continuous process consisting of achievable steps that enable improvements in decision making and performance.

Risk management is an important factor in any decision making and is already part of our operational processes. It is important to ensure that Council understand and manage the risks in the provision of services to our District. The risk management policy and framework should be embedded in both the operational and governance processes and thinking.

It is good practice for organisations to have a formal risk management framework that it reviews on a regular basis. Council has a risk management framework that was adopted in April 2016. This risk management framework was overdue for review and has been reviewed by Elected Members through Council Briefings held on 9 June 2020 and 18 August 2020.

The outcome of those briefing sessions has led to the development of a risk management policy and a risk management framework which are now being presented to Council.

## **4 Discussion**

Under legislation there is no requirement for Council to have a risk management policy, however it is recognised as good business practice and aims to ensure effective risk management across the organisation and support ratepayer confidence across the district

Following briefings with Elected Members in May and August staff have taken feedback from Elected Members to create a new risk management policy and a separate risk management framework. This was presented to the Risk and Audit Committee on 23 September 2020 who recommended the risk management policy is put to the Council for adoption.

The risk management policy defines the Council's principles on risk management and sets the direction for Council.

The risk management framework provides a methodology to:

- identify Council risks,
- manage or treat the risks
- regularly monitor departmental risks
- report to Risk and Audit Committee on the risks.

Council uses the Risk and Audit Committee to monitor the implementation of the risk management policy.

## **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.

## **6 Attachments**

1. Risk Management Policy
2. Risk Management Framework

# ***Whangarei District Council***

## ***Risk Management Policy***

***Policy  
210***

<b>Policy title</b>			
Audience (Primary)	Internal	Business Owner (Dept)	Democracy and Assurance
Policy Author	Emily Thompson	Review Date	+ 3 years from approval

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Adopted.....	5

Policy title			
Audience (Primary)	Internal	Business Owner (Dept)	Emily Thompson
Policy Author	Emily Thompson	Review date	TBC

## Legislative Requirement

Whangarei District Council strives for good governance. While there is no legal requirement for this policy, it aims to ensure effective risk management across the organisation and support ratepayer confidence across the district.

## Purpose

To clearly state the principles needed to achieve effective risk management across the organisation.

## Policy background

Risk is the impact of an uncertain event or situation that, if it occurs, has a positive or negative effect on the things that we value and want to achieve.

We seek to better understand risk because it informs the decisions that we make in order to achieve our vision for community outcomes.

Risk management is the knowledge and practices that we use to control the risks. Risk management aims to reduce threats and maximise opportunities.

Risk management is overseen by the Strategic Leadership Team and the Risk and Audit Committee of the Council, via regular reporting and escalation as appropriate.

Risk Management encompasses all risk assurance activities including, but not limited to:

- Health and Safety
- Finance
- Legal
- Operational processes
- Insurance placement
- Project risks (ICT and Infrastructure)
- Business Continuity.

This risk management policy aligns with the International Standard ISO 31000:2018 Risk Management principles and guidelines.

The ISO 31000 guidelines provide a statement of eight risk management principles.

1. Risk management activities must be proportionate to the level of risk faced by Council
2. Risk management activities need to be aligned with the other activities in Council.
3. In order to be fully effective, the risk management approach must be structured and comprehensive.
4. Risk management is an integral part of all Council activities and needs to be embedded across the organisation
5. Risk management activities must be dynamic and responsive to emerging and changing risks.
6. Risk management explicitly considers any limitations of available information.
7. Human and cultural factors influence all aspects of risk management.
8. Risk management is continually improved through learning and experience.

The first five principles provide guidance on how a risk management initiative should be designed, and principles six, seven and eight relate to the operation of the risk management initiative. These last principles confirm that the best information available should be used; human and cultural factors should be considered; and the risk management arrangements should ensure continual improvement.

These standards provide best practice guidance and are the foundation of similar processes for many local government entities across the country.

Policy title			
Audience (Primary)	Internal	Business Owner (Dept)	Emily Thompson
Policy Author	Emily Thompson	Review date	TBC

## Policy Statement

Whangarei District Council is committed to council-wide risk management principles that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

Council's risk principles:

- Support risk-based decision making for the vision and outcomes as agreed under the Long Term Plan.
- Support alignment of the four wellbeings and other requirements under the Local Government Act.
- Support alignment with other relevant legislative requirements.
- Ensure all staff are empowered, and expected, to identify risks and associated mitigation options.
- Create a transparent and inclusive risk processes based on the best available information
- Ensure that provision of essential services are prioritised and maintained with minimal risk exposure.

In considering risk to Council, we need to be aware that risk is a subjective process and understand the differences between "risks to the District" and "risks to the organisation".

It is important to consider both positive and negative risk for the organisation and the District.

A representation of this concept is included in Table One.

Table One: District/Organisation risk matrix.

	Negative risk	Positive risk
<b>District risks</b>	Understanding risks for the District and assessing Council's role in managing those risks <i>e.g. The impact of a Tsunami on the district</i>	Understanding opportunities for the District and assessing Council's role in developing those opportunities <i>e.g. The opportunity of increase of domestic tourists to the district</i>
<b>Organisation risks</b>	Understanding and managing risks for Council and its immediate stakeholders <i>e.g. The operational impact of carrying staff vacancies</i>	Understanding and developing opportunities for Council. <i>e.g. The operational opportunity of working across departments.</i>

Council's current risk management approach focuses on lower left quadrant and the organisational risk that will result in a negative impact. It is important to be aware of possibilities within the other three quadrants. This approach will be reviewed as the risk management framework matures.

## Procedures, Processes, Standards & Guidelines

Council-wide risk management principles will be implemented in line with the approach detailed in the Risk Management Framework ([Risk Management Framework](#) Link ) supporting documentation and associated processes.

## Definitions

Definitions relating to this policy are in the Risk Management Framework.

<i>Policy title</i>			
Audience (Primary)	Internal	Business Owner (Dept)	Emily Thompson
Policy Author	Emily Thompson	Review date	TBC

### ***Related Policies and Documents***

- Risk Management Framework
- Health and Safety Policy
- Risk and Audit Committee – terms of reference
- Legislative Compliance Policy
- ISO31000:2018

### ***Adopted***

Timelines and dates of adoption are captured in the Kete approval process.

### ***Policy Review***

This Policy was created in August 2020 and was agreed as follows:

**Date of meeting:** 22 October 2020

**By:** Whangarei District Council



# ***Risk Management Framework***

August 2020

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## 1 Purpose

The purpose of risk management is to identify potential problems before they occur, or, in the case of opportunities, to try to leverage them to cause them to occur. Risk-management activities may change over time depending on the likelihood and potential impact of a risk. It is a continuous process consisting of achievable steps that enable improvements in decision making and performance.

Whangarei District Council is committed to council-wide risk management principles, that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

This document should be read in conjunction with the Risk Management Policy ([Link Here](#)) which sets out the purpose and direction of risk management within Council.

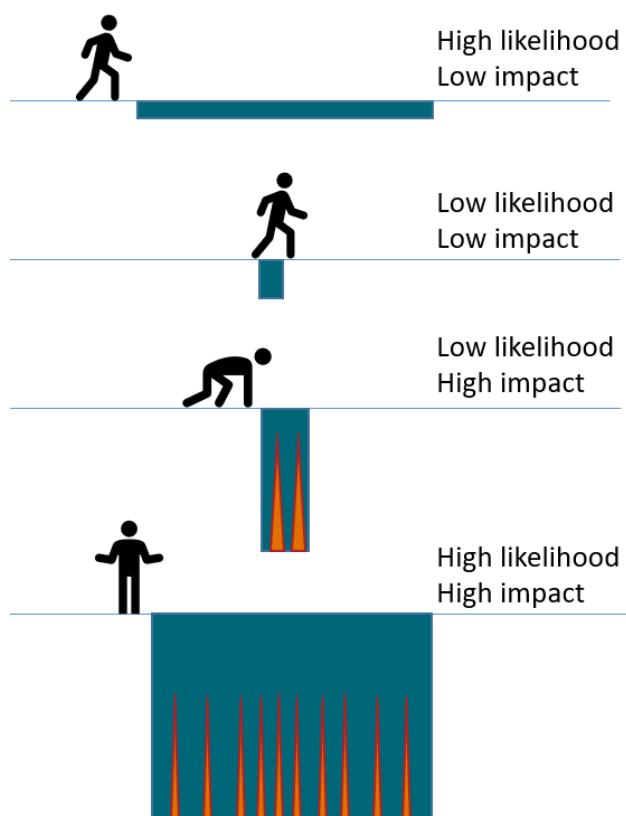
This risk management framework sets out the processes and procedures that are used to implement and embed good risk management practices across Council.

## 2 What is risk

Risk is the uncertainty of something occurring that effects, negatively or positively, on your ability to achieve your objectives. Generally, the focus of risk management is on negative impacts of uncertain events, however it must be recognized that uncertain events may also produce a positive impact on Council's objectives.

The following diagram provides a good overview of risk

### 2.1 Diagram one: what is risk?



The goal of risk management is not to eliminate all risks. Risk management is the knowledge, behaviours, and practices that we use to control the risks that, otherwise, would impact on the operations and services of Council.

Strategies to manage risk aim to reduce threats and maximise opportunities. This can be achieved by recognising that there may be a different approach to avoid or exploit an uncertainty (risk).

Under this initial framework the focus is on operational and service delivery risks. Over time the Council should also be considering District wide risks and opportunities.

## 2.2 Risk Types

There are a number of risk types that need to be considered across Council.

### Strategic risks

Strategic risks are the major challenges Council faces in delivering the outcomes required in its Long Term Plan. This includes governance risks relating to decisions made in Council. Strategic risks can be raised by Elected Members, committee members and staff and they are managed by

the Strategic Leadership Team (SLT). Strategic risks are included in the quarterly risk report to the Risk and Audit Committee.

#### Operational risk

Operational risks are the operational challenges to delivering services required by the Long Term Plan. Operational risks are identified by departments and owned by department managers. Operational risks include compliance risks, for example, not complying with changes to legislation. These risks are collated quarterly and shared with the General Manager for each Council Group. Those with the highest risk ratings are reported to the Risk and Audit Committee.

#### Health and Safety

Health and Safety of our staff is also a risk type. This includes the risk of injury, weather, lost time, serious harm or fatality, directly attributable to organisations, mechanical or infrastructure failure. These are managed via the Workfare framework and collated via the My Safety application for all staff. Health and Safety risks are managed by the Health and Safety team and reported quarterly to the Risk and Audit Committee.

#### Project risks

Project risks are managed on a project basis and are the responsibility of the project manager. Project risks impacting on project delivery are managed via the Project process and reported to the appropriate Committee. These risks are not regularly included in the quarterly reporting to the Risk and Audit Committee.

### 3 Roles and responsibilities

Council and SLT are committed to ensuring all reasonable measures are taken to maintain a responsible risk management culture.

In order for risk management to be effective, staff at all levels of the organisation must understand their responsibilities and maintain the standards of this risk management framework.

This risk management framework is based on an organisation wide approach to implement best practice risk management throughout Council. Staff who have management responsibility (Group, Department, Activity/ Asset, Team or Project) use their expertise to evaluate risks, this ensures that different views are considered, and appropriate risk treatment practices can be applied. This collaborative approach ensures that Council staff are aware of their responsibilities in identifying and managing risk and the ownership of risk is at department manager level.

In a practical sense a risk management culture seeks to combine effective implementation, where risk management forms part of the process of doing business, with informed reporting, and regular monitoring of risk.

#### 3.1.1 Table one: roles and responsibilities table.

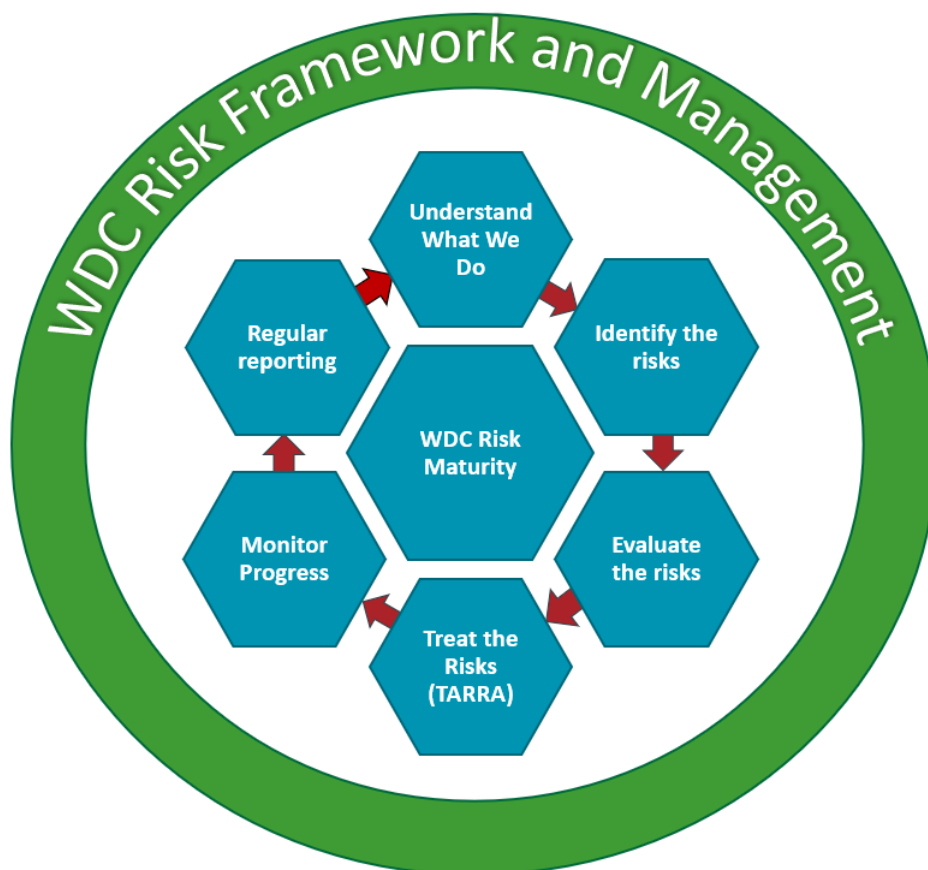
Role	Responsibility
Council	<p>Council will:</p> <ul style="list-style-type: none"> <li>• ensure an appropriate risk governance structure is in place</li> <li>• support the risk management framework including risk management as an element of Council's Long Term Plan and Annual Plans as well as other strategies, plans and documents;</li> </ul>
Risk and Audit Committee	<p>The Risk and Audit Committee will deliver on its responsibilities and delegations as outlined in the Committee Terms of Reference.</p> <p>The Risk and Audit Committee should provide assurance to Council that robust, independent and operationally effective controls around operational and financial management practices are in place. They do this by:</p> <ul style="list-style-type: none"> <li>• ensuring Council has appropriate risk management and internal controls in place;</li> <li>• approving and reviewing risk management programmes and risk treatment options for critical risks;</li> </ul>
Chief Executive	<ul style="list-style-type: none"> <li>• being the risk management sponsor</li> <li>• promoting a strong risk management culture by ensuring comprehensive risk management programmes operate throughout Council</li> <li>• ensuring that risk management is considered in everything Council undertakes and is incorporated in the messages given to the organisation</li> </ul>

Role	Responsibility
Group Managers	<ul style="list-style-type: none"> <li>• promoting a risk management culture within their group</li> <li>• advising on potential risk treatments for identified risks</li> <li>• Where applicable resolving or confirming criticality of risks</li> <li>• maintaining overall responsibility for the effective and efficient management of all types of risks related to Council activities and delivery of the risk management framework and objectives</li> </ul>
Department Managers	<ul style="list-style-type: none"> <li>• identifying departmental risks, including project risks</li> <li>• entering departmental risks onto the risk register and assessing the likelihood and impact for each risk</li> <li>• identifying risk mitigation options and monitoring their effectiveness</li> <li>• ensuring that emerging operational challenges are reviewed and, where identified, associated risks are included in risk registers e.g. legislative changes, the impact of climate change and external factors that affect the district.</li> <li>• quarterly update of departmental risk registers in line with reporting by the Senior Assurance Advisor to the Risk and Audit Committee</li> </ul>
Senior Assurance Advisor	<ul style="list-style-type: none"> <li>• providing direction and advice on risk management within Council and ensuring appropriate risk mitigation measures are in place</li> <li>• creating quarterly risk reports to the Risk and Audit Committee providing an overview of risks and highlighting critical risks</li> <li>• overseeing the embedding of the risk management framework</li> <li>• supporting the Risk and Audit Committee in delivering its duties; and supporting the internal audit process</li> <li>• ensuring Council's assets and operations, together with liability risks and hazards to the public, are adequately protected through appropriate risk planning and budgeting, internal audit processes, and appropriate internal systems and controls</li> <li>• communicating and raising awareness of risk management to department managers and staff</li> </ul>

## 4 Process

Below is an overview of Whangarei District Council's process for identifying, evaluating and managing risks within Council. This aligns with the International Standard for Risk Management – Principles and guidelines (ISO 31000:2018).

### 4.1.1 Diagram two: Council Risk Process:



### 4.2 Understand what we do

The first step in managing risk is to understand what we do. Each department should ask itself this following question:

*What are our objectives in order to deliver our services to the district?*

Once a team has identified their objectives then they can consider the risks that will stop them achieving their objectives.

### 4.3 Identify the risks

Department managers and their teams are responsible for identifying operational risks in their department. These should align with their objectives.

A good way to brainstorm risks within an area and to start a discussion on risk is to review the teams responses to the following questions:

- What has happened in the last 6 months?
- What has happened in the last 12 months?
- What bothers you, what keeps you awake at night?

To articulate the risk, staff should put the risk into a sentence:

Because of.....(e.g. a storm)

There is a risk that..... (e.g. waste water pipes break)

Leading to.....(e.g. Sewerage being expelled into the Whangarei harbour, negative publicity at a regional level, additional costs for Council to clear up, operational challenges to redirect staff/contractors to fix pipework)

In the example above the risk is the pipes breaking, and the impact is across multiple risk categories.

Once a risk has been identified it should be entered into the risk register and evaluated.

#### 4.4 Evaluate the risks

Risks that have been identified by the department need to be evaluated against the likelihood and impact tables below. Then the risk rating can be calculated as shown in the risk matrix.

##### 4.4.1 Table two: Likelihood of risk occurring

Determine the likelihood of a risk event		
	General Description	Frequency expression
1 Rare	Risk event may occur only in exceptional circumstances	Up to 4% chance within next 12 months; or once in 25 years
2 Unlikely	Risk event could occur at some time	10% chance within next 12 months; or 1 out of every 10 years
3 Possible	Risk event should occur at some time	25% chance within next 12 months; or 5 out of every 20 years
4 Likely	Risk event will probably occur in most circumstances	55% chance within next 12 months; or 11 out of every 20 years
5 Almost certain	Risk event expected to occur in most circumstances	90% chance within next 12 months; or 18 out of every 20 years

#### 4.4.2 Table three: Impact of the risk

Impact	Risk Category						
	Council Reputation/ Corporate Image	Environmental	Health & Safety	Council Third Party Loss	Operational capability of Council	Council Financial loss	Council Project completion delays
<b>1 Insignificant</b>	Of interest to individuals	Aesthetic issue only, no damage or contamination	Minor injury	Council liability < \$10,000	No loss of operational capability and/or minimal disruption to service levels. Access affected. Minimal loss of internal capacity.	No impact on achievement of output targets, business can continue as normal. Localised failure only. Financial loss < 1% operating budget.	Total delay less than 6 months.
<b>2 Minor</b>	Minor community interest, low key local media coverage	Minor damage with on-site release and immediately contained. Reversible within days.	Medical treatment required	Council liability > \$10,000 < \$100,000	Loss of operational capability in some areas and/or some disruption to service levels Local roads impassable Loss of internal capacity up to 1 week	Up to 1% impact on targets Limited to a single business area of the organisation Financial loss 1-3% operating budget.	Total delay between 6 and 12 months.
<b>3 Moderate</b>	Public /community discussion, broad adverse media coverage	Material damage of local importance. Prosecution possible. On-site release contained with outside assistance and impact reversible within 1 year.	Serious injury	Council liability > \$100,000 < \$250,000 Complaint to the Ombudsman or other statutory offices.	Serious loss of operational capability for over 6 weeks and /or disruption to service levels for 4-6 weeks Collector roads impassable Loss of internal capacity 1-3 weeks	Up to 5% impact on targets Financial loss 36% operating budget	Total delay between 1 and 3 years.
<b>4 Major</b>	Loss of confidence in Council. National publicity. Public agitation for action.	Serious damage of national importance. Prosecution expected. Off-site release with significant detrimental effects and impact reversible within 5 years.	Fatality	Council liability > \$250,000 < \$1,000,000. Legislative non-compliance involving the prosecution or the potential for a fine or a significant criticism of Council by Judiciary or Ombudsman. Adverse ruling by the Ombudsman or other	Serious loss of operational capability for over 8 weeks and major disruption to service levels Major roads impassable. Loss of internal capacity 4-6 weeks	Up to 10% impact on targets. Financial loss 6-10% operating budget. Impact to multiple and diverse areas of the organisation.	Total delay between 3 and 5 years.

Risk Category							
Impact	Council Reputation/ Corporate Image	Environmental	Health & Safety	Council Third Party Loss	Operational capability of Council	Council Financial loss	Council Project completion delays
				statutory officer with power to investigate or make rulings.			
<b>5 Catastrophic</b>	Public investigation, international media coverage, management changes demanded, insertion of commissioner(s).	Severe damage of national importance. Prosecution. Toxic release offsite with major detrimental effect; non-reversible.	Multiple fatalities or district-wide epidemic	Council liability >\$1,000,000. Legislative non-compliance involving the potential for imprisonment of a Councillor or Senior Officer. Judicial review of a Council decision on a matter relating to funding or rates.	Serious loss of operational capability for 3 - 4 months and serious disruption to service levels. Loss of internal capacity >6 weeks	Greater than 10% impact on achievement of key performance targets. Financial loss >10% of operating budget.	Total delay more than 5 years.

## 4.5 Rating the risks

Once the identified risks have a likelihood and impact value, the risks are mapped onto the risk matrix for the organisation. This gives the risk a risk rating which shows Council's risk appetite and which risks will be reported to the Risk and Audit Committee.

### 4.5.1 Table four: Risk rating matrix

Impact	Catastrophic	C	C	C	C	C
	Major	H	H	C	C	C
	Moderate	M	M	H	H	C
	Minor	L	M	M	H	H
	Insignificant	L	L	M	H	H
		Rare	Unlikely	Possible	Likely	Almost Certain
Likelihood						

Any risk will have 2 risk ratings

1. Inherent risk – the risk if no controls in place
2. Residual risk – the risk once controls, and mitigations have been taken into account.

Risks that are reported to Council are residual risks only, if a control is in place and is working well the residual risk will be low or medium. The risk is being well managed.

### 4.5.2 Table five: Risk rating

Legend	Definition
<b>Critical (C)</b>	Critical risk to Council. These risks are highly likely to occur or would create a large and catastrophic impact on Council
<b>High (H)</b>	High risk to Council These risks are likely to occur or would create a moderate to major impact on Council
<b>Medium (M)</b>	Medium Risk to Council These risks may occur or would create a moderate to minor impact on Council
<b>Low (L)</b>	Low Risk to Council These risks are unlikely to occur or would have minor to insignificant impact on Council

## 4.6 Treat the risks (TARRA)

Council will determine what risks are tolerable and which risks are intolerable. Where possible Council will put into place risk treatments, also known as risk controls, to mitigate the occurrence or impact of a risk.

The treatment of risk is dependent on a number of factors including Council's risk appetite and selection of risk control actions:

- **Transfer the risk** – reducing exposure by transferring the risk to another party e.g. buy specific insurance coverage.
- **Avoid the risk** - avoiding the risk by not proceeding with the risk generating activity.
- **Reduce the likelihood** of occurrence through measures such as audit compliance, contract conditions, preventative maintenance, engineering controls, inspections, process policies and procedures. (Proactive Control)
- **Reduce the impact** through measures such as contingency planning, disaster recovery plans, contractual arrangements, financial management controls and risk minimisation plans. (Reactive Control)
- **Accept the risk** – recognise that WDC may accept a certain level of risk where the likelihood is low or the cost prohibitive to treat.

In managing opportunities that arise through uncertain events these treatments will become more positive. This may include accepting the opportunity risk, sharing (rather than transferring) the opportunity risk, taking action to increase the likelihood or impact of the opportunity risk etc. As the Council risk management framework matures these opportunity risk treatments will be developed.

## 4.7 Progress monitoring and regular reporting

Once risks have been identified, and controls put into place, the department needs to ensure that they monitor the risks on the risk register. Regular reviews ensure risks are discussed to understand if the likelihood or impact has changed.

Residual risks are reported to Risk and Audit Committee via the quarterly risk report. The risk report provides an overview of the spread of risks across the organisation and details any that have a rating of "critical".

### 4.7.1 Table six: Management and reporting of risks

Legend	How we manage the Residual Risk	Management and Reporting
<b>Critical (C)</b>	Risks that appear here after controls will either have poor controls, a significant risk of occurring or an intolerable impact should they occur	These are reported, in detail, quarterly to Elected Members via the Risk and Audit committee
<b>High (H)</b>	Risks that have this risk rating will have controls and mitigation activities in place to reduce the likelihood of occurrence or the impact should this risk eventuate	These are managed as part of BAU and reviewed quarterly by department managers. All High risks are reported to Group Managers

Legend	How we manage the Residual Risk	Management and Reporting
<b>Medium (M)</b>	Medium risks are managed at departmental level and monitored to ensure appropriate controls remain in place	Department Managers will review these risks regularly. Minimum six monthly.
<b>Low (L)</b>	Low risks are managed at department level and monitored to ensure appropriate controls are valid and nothing changes about the potential risk.	Department Managers review these risks regularly. Minimum annually.

## 5 Appendices

### 5.1 International Standard for Risk Management – Principles and guidelines (ISO 31000:2018). Definitions

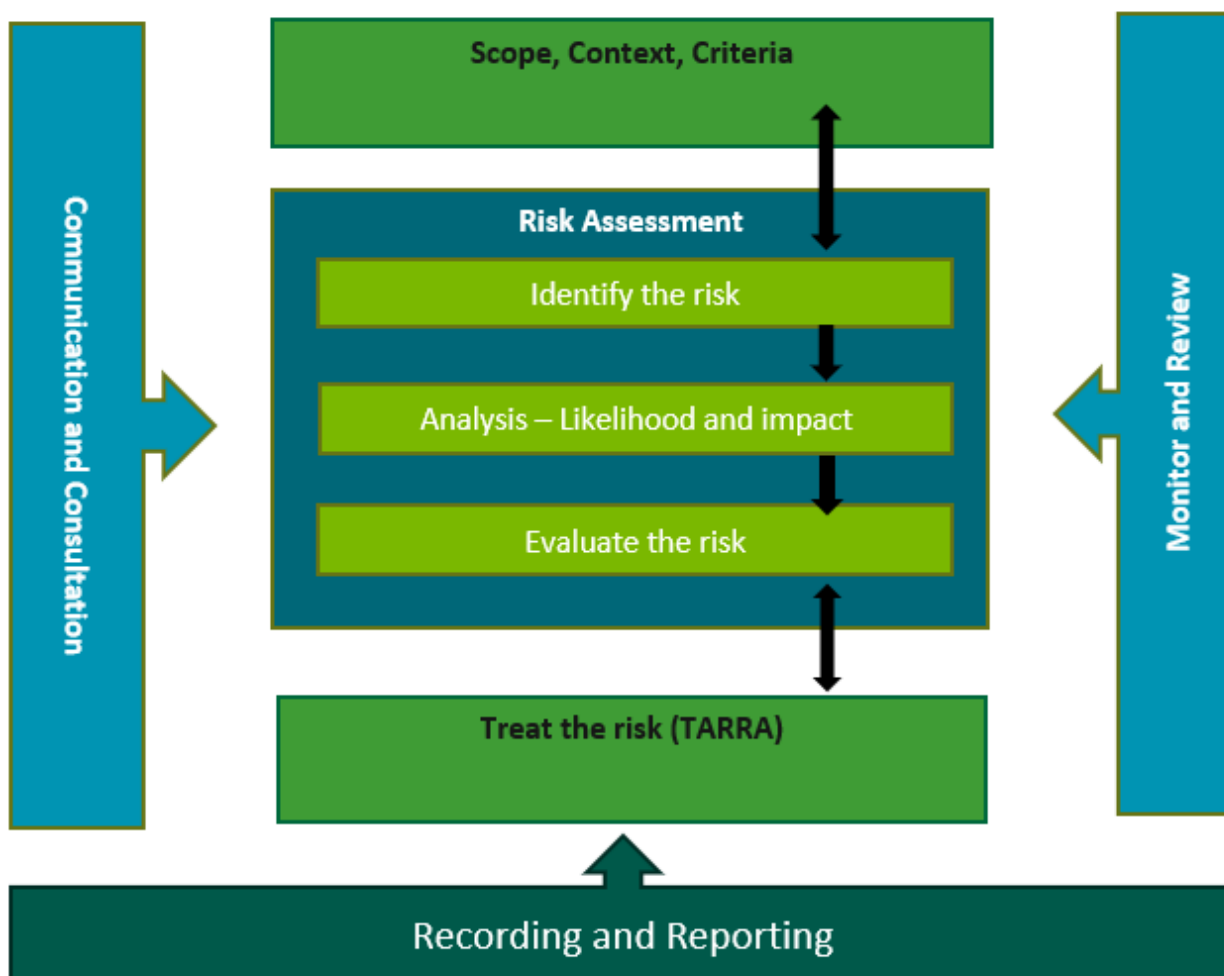
#### 5.1.1 Table seven: Definitions

<b>Risk</b>	Effect of uncertainty on objectives. The effect may be positive or negative on the achievement of objectives.
<b>Risk Management</b>	Risk management refers to a coordinated set of activities and methods that is used to direct an organization and to control the many risks that can affect its ability to achieve objectives. The term risk management also refers to the programme that is used to manage risk. This programme includes risk management principles, a risk management framework, and a risk management process.
<b>Risk Appetite</b>	The level of risk that Council is willing to accept in achieving its objectives
<b>Risk Owner</b>	Person with the accountability and authority to manage a risk
<b>Likelihood</b>	Likelihood is the chance that something might happen. Likelihood can be defined, determined, or measured objectively or subjectively and can be expressed either qualitatively or quantitatively (using mathematics).
<b>Impact</b>	An impact is the outcome of an event and has an effect on objectives. A single event can generate a range of consequences which can have both positive and negative effects on objectives. Initial consequences can also escalate through cascading and cumulative effects.
<b>Risk rating</b>	The combination of likelihood and consequence described as Catastrophic, High, Medium and Low
<b>Inherent risk</b>	The risk rating before controls are put in place
<b>Treatment</b>	Process used to modify risk Note 1: can involve avoiding the risk, accepting/retaining the risk, removing the source of risk, changing the likelihood or consequence, sharing risk or creating controls to manage the risk. Note 2: May also be known as risk mitigation
<b>Control</b>	A control is any measure or action that modifies or regulates risk. Controls include any policy, procedure, practice, process, technology, technique, method, or device that modifies or regulates risk. Risk treatments become controls, or modify existing controls, once they are implemented.
<b>Residual risk</b>	Residual risk is the risk left over after you've implemented a risk treatment option. It's the risk remaining after you've reduced the risk, removed the source of the risk, modified the consequences, changed the probabilities, transferred the risk, or retained the risk.

## 5.2 The process for risk management, simplified version of the diagram in ISO 31000:2018

Risk management is a continual process that involves the following key steps.

### 5.2.1 Diagram three



## 7.2 Adoption of Statement of Proposal for amendment of the Camping in Public Places Bylaw and associated amendments to the Public Places Bylaw.

**Meeting:** Whangarei District Council  
**Date of meeting:** 2 October 2020  
**Reporting officer:** Vita Strohush (Strategic Planner – Bylaws)  
 Tony Horton (Manager – Strategy)

### 1 Purpose

To adopt the Statement of Proposal for the amendment of the Camping in Public Places Bylaw 2017 and the associated Summary of Information, as well as the associated proposed amendment to the Public Places Bylaw 2014.

### 2 Recommendations

That Council

1. Reviews the Camping in Public Places Bylaw as per s.13 of the Freedom Camping Act 2011 (FCA) and makes determinations in accordance with section 11(2) of the FCA, that the Bylaw is necessary for the purposes outlined in this report, is the most appropriate and proportionate way of addressing the perceived problem and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
2. Resolves that the Bylaw should be amended.
3. Adopts the Statement of Proposal (Attachment 1), the Proposed Amended Bylaw (Attachment 2) and Summary of Information (Attachment 3) for public consultation using the special consultative procedure in section 83 of the Local Government Act 2002.
4. Approves the proposed amendment to the Public Places Bylaw to be included in the Statement of Proposal (Attachment 1) for public consultation in accordance with the requirements of section 82 of the Local Government Act 2002.
5. Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Statement of Proposal and Summary of Information and to approve the final design and layout of the documents prior to final printing and publication.

### 3 Background

The Freedom Camping Act 2011 (FCA) allows freedom camping on any land under the control of Council unless it is specifically restricted or prohibited through a bylaw or any other enactment. Currently freedom camping in the Whangarei District is regulated through the Camping in Public Places Bylaw 2017.

Under the FCA Council is required to review its Camping in Public Places Bylaw within five years of first making the bylaw and every 10 years thereafter. The Bylaw was due for review by 2022. Council has decided to bring the review forward to address complex issues associated with freedom camping that have arisen since the bylaw was first adopted in 2017.

When reviewing a bylaw under the FCA, Council must consider whether the bylaw is necessary to address the problem, that the bylaw is appropriate and proportionate in relation to the perceived problem, and that it is not inconsistent with the New Zealand Bill of Rights Act 1990. These matters are addressed in this report.

Options for consultation on the amended Bylaw were discussed at Council briefings on 6 August and 15 September 2020. The Statement of Proposal for the amendment of the Camping in Public Place Bylaw (Attachment 1) was prepared on the basis of an indication by Councilors of support for Option 1 – full review of the bylaw and consultation on the amended bylaw as a whole.

A small related amendment to the Public Places Bylaw is also recommend to address the interface between the existing bylaws.

Council is required to consult with the community in accordance with sections 82 and 83 of the Local Government Act 2002 before amending the bylaws.

## 4 Issues

Council's Camping in Public Places Bylaw was adopted in 2017 to provide controls on freedom camping in Whangarei District and support responsible camping.

An extensive monitoring and enforcement programme for freedom camping has been implemented since. Insights from the collected data were provided to Council through three end-of-season operational reports.

Data to 25 March 2020 has shown a significant increase in the number of freedom campers at monitored sites, with a doubling of the number of recorded freedom camping vehicles in 2020 compared to 2017. The population of our District has increased markedly since 2017, adding to the increased visitor pressure at our key coastal destinations. This is also reflected in the nature of complaints council receives in relation to freedom camping. Most complaints are about overcrowding, campers overstaying, blocking access and inappropriate disposal of human and solid waste.

There has been steady demand for freedom camping after the Covid-19 lockdown.

In June 2020 Council carried out an online survey on freedom camping. Over 1,300 responses were received for the survey, which reflects a high level of community interest in the matter. Survey results were presented and discussed at a Council Briefing on 8 July 2020. Council also received an extensive Issues Analysis Report examining the perceived and demonstrated problems associated with freedom camping in the Whangarei District. Key issues identified were:

- increased visitor pressure on the District's key coastal destinations,
- difficulties maintaining fair and balanced public access to public spaces and facilities, especially in coastal areas,
- unmet community expectations for effective regulation of freedom camping,
- polarised community attitudes to freedom camping, and
- a strong community desire to support local campgrounds in the aftermath of Covid-19.

Against this background the review of the bylaw was brought forward.

## 5 Legislative requirements

### 5.1 Bylaw review assessment under s.11(2) of the Freedom Camping Act

Under s.13 of the Freedom Camping Act (FCA) Council must review a bylaw made under the Act by making the determinations required by section 11(2) of the FCA.

To make this assessment Council must consider whether:

- (a) *the bylaw is necessary for 1 or more of the following purposes:*
  - i. *to protect the area;*
  - ii. *to protect the health and safety of people who may visit the area;*
  - iii. *to protect access to the area; and*
- (b) *the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and*
- (c) *the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.*

#### **A bylaw is necessary to address the problem**

As the first step in completing the bylaw review Council is required to determine whether a bylaw is necessary for one or more of the purposes of s.11(2)(a) of the FCA. Camping can be restricted or prohibited in local authority areas for one or more of the following three purposes (criteria): to protect the area, to protect health and safety, or to protect access to the area. Regulating freedom camping for reasons outside the criteria above could be ultra vires the statutory bylaw-making power.

Some of the specific problems that the Bylaw addresses within the s.11(2) criteria include, but not limited to:

1. Protect the area – s.11(2)(a)(i)
  - Protecting of areas from adverse environmental effects associated with disturbance of dunes and native birds, damage to or destruction of vegetation, for example through the lighting of fires or other activities such as the erection of tents or parking of vehicles
  - Protection of areas from waste and fouling, including pollution of land and waterways through inadequate disposal of human and other waste (including blockage of drains due to oils from washing dishes);
  - Protection of amenity values associated with reserves where freedom camping is taking place on a reserve;
2. Protect the health and safety of visitors to the area – s.11(2)(a)(ii)
  - Protecting the public from risks to public health through inadequate disposal of human and other waste;
  - Restricting freedom camping activities in areas that are not adequately serviced by public toilets and waste disposal facilities;
  - Safety considerations for vehicle manoeuvring and parking;
  - Protecting visitors from any hazards on site;
3. Protect access to the area – s.11(2)(a)(iii)
  - Provide balanced public access to public places and a fair supply of parking for all types of visitors;
  - Protect existing uses of public places and facilities – sporting activities, events, markets, boating, etc;
  - Ensure adequate access for maintenance;

Determinations under the three purposes of section 11(2)(a) of the FCA have been made for specific areas in the District where freedom camping is restricted or prohibited. These assessments are based on the information collected during the 2017 bylaw process and

updated based on enforcement and monitoring data accumulated between 2017 - 2020. The details are provided on pages 13-28 of the Statement of Proposal (Attachment 1).

Staff recommendation is that continued regulation of freedom camping through the Bylaw is necessary for the purposes in s.11(2)(a) FCA, but with some tightening of restrictions required in specific areas to address demonstrated problems.

### **Appropriate and proportionate**

The current bylaw under the FCA provides for seamless district-wide regulation of freedom camping on Council-owned land as well as on reserves administered by Council under the Reserves Act. The bylaw under the FCA provides a definition of freedom camping and access to enforceable infringement notices (i.e. 'instant fines').

The overall balance of the prohibited and restricted areas in the District provides for conditions under which camping can take place. The prohibitions and restrictions on freedom camping are justifiable, in light of the nature and scope of the problems being experienced in each individual area as described in this proposal. The proposed amendments will allow to resolve persistent issues that have surfaced since bylaw adoption in 2017.

While the overall framework of the Bylaw is considered proportionate to address the perceived problems, further restrictions in specific areas are recommended based on enforcement and monitoring data collected over three years since the adoption of the Bylaw. As well, it is considered desirable to provide additional freedom camping capacity (including overflow sites at peak times) for some locations, in response to capacity issues experienced over the past seasons since the Bylaw was made.

Staff recommendation is that a bylaw under the FCA (Option A) remains the most appropriate and proportionate way to address the actual and likely problems associated with freedom camping in the District.

### **Is the proposed bylaw consistent with the New Zealand Bill of Rights Act 1990**

Both the current and proposed amended Camping in Public Places Bylaws are considered to be consistent with NZBORA. The restrictions on camping are reasonable and limited to those areas that require protection, both for the area and visitors to the area.

Advice received is that the bylaw does not affect the right to freedom of movement in section 18 of the New Zealand Bill of Rights Act 1990 (NZBORA) as the right to freedom of movement does not encompass a right to remain in a certain place for the purpose of camping overnight. But even if this right is affected, the interference with the right is minor and justifiable, and is based on a rational link between the bylaw provisions and the objective of controlling the adverse effects of freedom camping.

## **5.2 Options**

Section 11(4) of the FCA sets out the options Council has after completing a review of the Bylaw. Council may decide for the bylaw to be amended, revoked, or revoked and replaced, or continue without amendment. With either of the options, Council is required to then use the special consultative procedure of the LGA.

Based on the analysis in Section 5.1. of this Agenda, it is recommended that Council should amend the bylaw in order to:

- provide improved enforcement tools to address demonstrated problems;
- introduce additional restrictions on freedom camping in specific areas to achieve appropriate regulation;
- provide additional freedom camping capacity in suitable locations.

The proposed amendments to the Bylaw are set out in the draft Statement of Proposal (Attachment 1).

In seeking feedback on the Statement of Proposal, the Council has the option of limiting consultation to the proposed bylaw amendments only or seeking views on the amended bylaw as a whole. These options are discussed in Table 1.

*Table 1: Feedback Options*

Feedback options			
Option	Description	Advantages	Disadvantages
Option 1 - Seek feedback on all aspects of the proposed amended Camping in Public Places Bylaw	Public can make submissions on any matter in the bylaw – the provisions which are not changing as well as those that are. In particular, all restrictions and prohibitions in Schedules 1-4 to the bylaw are within the scope of the consultation.	This option provides for the fullest assessment of all parts of the bylaw and the widest range of options for the final amended bylaw.	Will require more time and resources.
Option 2 - Seek feedback on proposed amendments only.	Engagement limited to proposed bylaw changes only. Anything in the bylaw which is not proposed to be changed is outside the scope of the consultation.	This option would provide for a more restricted engagement process. Keeps the scope of consultation focussed on addressing the changes only.	Any additional issues identified through public consultation would be beyond the scope of the consultation process. This risks having to restart consultation or leave issues unresolved.  Proposed amendments may consequentially affect other provisions. Issues can be interrelated and may be difficult to limit consideration simply to proposed amendments.

#### **Staff recommendation**

To address the issues identified in Section 4 of this Agenda, it is recommended that Council makes amendments to the bylaw as per the proposed draft Statement of Proposal (Attachment 1). Staff recommend that Council proceeds with Option 1 for consultation – seeking feedback on the amended bylaw as a whole.

### 5.3 Special consultative procedure

Section 83 of the LGA details the requirements of special consultative procedure, which include the adoption of a Statement of Proposal. Sections 86 and 87 of the LGA provide further direction on the required content of a Statement of Proposal, which in some matters reflect the requirements of s11(2) of the FCA. Due to the wording of s11(5) of the FCA, it is unclear whether s86 or s87 of the LGA also apply. For the avoidance of doubt, the draft Statement of Proposal (Attachment 1) is considered to meet the requirements of both s86 and s87.

Section 83 (1)(a)(ii) of the LGA provides that where necessary to enable public understanding of the proposal, a Summary of Information may also be required. Staff have developed a Summary of Information (Attachment 3) to assist community understanding of the proposal.

The proposed consultation process includes the following key actions to meet the legislative requirements:

- The statement of proposal, including the proposed amended Bylaw, is prepared and adopted at a meeting of Council.
- Council gives public notice of the proposal in the Whangarei Leader and invites members of the public to make submissions.
- The statement of proposal will be made available for public inspection on Council's website and at Council offices and at public libraries and the Mobile Library.
- The period within which views on the proposal must be no less than one month. The submission period for the proposal is scheduled to start on 27 October 2020 and close on 26 November 2020.
- Community Organisations, such as Residents and Ratepayers Associations and Maori and Iwi Stakeholders will be advised directly of the consultation process. This will include a focus on those organisations in the coastal areas of the District which are generally more highly affected by camping activities.
- A hearing will be scheduled to provide an opportunity for persons to speak to Council about the proposal.
- Council will deliberate on the matters raised by submitters, having regard to the requirements of the FCA.
- Council is currently scheduled to make the final Bylaw by resolution at the Council meeting in February 2021.
- Subject to the above process, the amended Camping in Public Places Bylaw is expected to come into force on 1 May 2021.

## 6 Proposed changes

### 6.1 Limitations of the FCA

Under the Freedom Camping Act 2011 Council is limited in what it can and cannot control in relation to freedom camping. Under this Act Council can prohibit or restrict freedom camping only for one or more of the following purposes (criteria) per s11(2)(a):

- to protect the area
- to protect the health and safety of people who may visit the area
- to protect access to the area

This means that camping on public land is generally allowed unless it is restricted or prohibited on the basis of the purposes above. Council cannot take other criteria into account when deciding whether to prohibit or restrict freedom camping in certain areas. For example, competition with commercial campgrounds is not one of the criteria Council can use to prohibit freedom camping.

## 6.2 District-wide matters

The proposed amendments to the Bylaw cover the following district-wide matters.

- Remove the restriction as to the frequency of temporary closures of freedom camping sites (clause 12.3 of the Bylaw). Retain the rule that any temporary closures be on a reasonable basis and be limited to no more than 14 consecutive days each time.
- Specify in the Bylaw that where marked parking spaces are present, only one vehicle per marked space is allowed.
- Specify in the Bylaw that no effluent tanks may be emptied in public toilets.
- For the avoidance of doubt, include a provision in the Bylaw to clarify that nothing in the Bylaw allows a person to take up permanent or semi-permanent residence on any local authority area.

Details reasons and descriptions of the proposed changes are provided in the Statement of Proposal (Attachment 1) under the heading “Further information on proposed amendments”.

## 6.3 Area-specific changes

The areas included in Schedules 1 to 4 of the current Bylaw, and any associated restrictions, have now been reviewed with input from Parks and Recreation, Infrastructure Projects and Support and Health and Bylaws departments of Council. Enforcement and monitoring data collected over the past three years has also been included in this assessment. Some areas to which the general district-wide rule applies under the bylaw (i.e. ‘default areas’) have also been reviewed.

As a result, some changes to the Schedules are proposed. As well, some areas have been identified that may be suitable to accommodate additional freedom camping capacity. The proposed changes, as well as related analysis under s.11(2)(a) of the FCA, are detailed in the Statement of Proposal (Attachment 1).

Area-specific changes i.e. changes to the Schedules include:

- Introduction of some seasonal restrictions on freedom camping at high-use destination beaches to protect public access;
- Providing overflow freedom camping sites for peak Christmas season;
- Further regulation and restriction of areas that have experienced pressure from freedom camping;
- Providing some additional capacity for freedom camping at suitable locations.

Following questions raised at Council briefings staff carried out site visits to the designated freedom camping sites at Ocean Beach, Reotahi, Parua Bay, and Whananaki North. Changes to these sites have been proposed and are described in the Statement of Proposal (Attachment 1).

### Reotahi

Camping at Reotahi requires special consideration as the area is a Scenic Reserve and the provisions of the Reserves Act 1977 prevail on reserves. Under the Reserves Act camping is prohibited everywhere in the Scenic Reserve unless a Reserve Management Plan supersedes the provisions of s44 of the Reserves Act. As such, all camping activities are prohibited on reserves, unless specifically consented by Council.

In 2017 consent was given to allow freedom camping in self-contained vehicles within the designated site in the carpark which is part of the reserve. Driveway safety issues approaching the carpark were also taken into account when configuring the size and location of the designated site and the restrictions that were applied. There is however an issue with Te Araroa trail walkers arriving on foot in this area with small tents and waiting overnight for a ferry across the harbor. As they do not have transport their options are limited.

Advice received is there is scope to provide consent for very limited tenting at Reotahi under the Reserves Act on the small grassy area next to the public toilets. The default position under the Reserves Act 1977 is still that camping is prohibited, but Council is considering providing consent under that Act for tenting by Te Araroa trail walkers on a small grassy area. In order to regulate the camping under the Reserves Act, the prohibition under the Camping in Public Places Bylaw and the Freedom Camping Act 2011 first needs to be removed.

### **Lake Waro**

Staff visited Lake Waro which is currently a general or “default” area for freedom camping to assess suitability of this area for the designated freedom camping site. The carpark area at Lake Waro is relatively small and parking can be in high demand at times as this is a popular dog exercise area. There is also a skatepark in the same area on Council owned land and the Hikurangi Placemaking programme is looking into options to activate the skatepark area. The land beyond the skatepark is administered by the Department of Conservation as Waro Limestone Scenic Reserve with wahi tapu located within the reserve.

The approach to the entire recreational area and the lake is controlled by a gate which is locked at night. The Parks and Recreation department advised the rationale for locking the gate is to prevent illegal dumping of waste at the transfer station located nearby and to stop unsafe behaviour such as drivers doing wheelies.

Staff recommendation is to retain the default regulations at Lake Waro whereby camping in self-contained vehicles is allowed for up to 3 nights. This approach has provided appropriate and proportionate regulation so far. It enables sustainable freedom camping at Lake Waro without creating competition with existing uses of the reserve or causing issues around the lockable gate.

## **7 Associated matters**

### **7.1 Amendment to the Public Places Bylaw 2014**

Bylaw is made under the LGA. Section 156 of the LGA outlines the consultation requirements for making amendments to bylaws. Staff have assessed the section and consider that consultation in accordance with s82 of the LGA is required.

For simplicity it is proposed that the Statement of Proposal for the proposed Bylaw includes the associated amendments to the Public Places Bylaw and that accordingly Council consults on those amendments in alignment with the special consultative procedure under s83 of the LGA. This process meets the requirements of s82 of the LGA.

### **7.2 Consent under section 44(1) of the Reserves Act 1977 (RA)**

The Reserves Act 1977 (RA) governs the use of reserve land. Section 44 of the RA prohibits camping or the use of a vehicle (e.g. a motor home) for permanent or temporary personal accommodation purposes unless one of the exceptions listed in the section applies. Under section 44(1) the use of a reserve for accommodation purposes is permitted if the consent of the Minister of Conservation has been obtained, or the activity is expressly allowed for in a Reserve Management Plan (RMP). On 12 June 2013, the Minister delegated authority to Council to grant consent for the use of reserves for temporary or permanent personal accommodation.

Council currently administers numerous reserves under the RA and has four RMPs that either prohibit camping or provide for Council consented organised camping activities on the relevant reserves.

To support a comprehensive Camping in Public Places Bylaw, Council, as the administering body, granted consent by resolution to the use of reserves for ‘temporary or permanent

personal accommodation' (including camping). Council's Public Places Bylaw prohibits the driving of vehicles on grass areas (including sport fields, garden and grass areas) of reserves and parks, therefore permitted camping activities are constrained to the car parking areas of reserves by default, unless specifically allowed for in the Camping in Public Places Bylaw.

Council granted consent in 2017 for the use of reserves for 'temporary or permanent personal accommodation'. This consent would apply also to the creation of the proposed new designated sites for camping in vehicles at the Onerahi and Tikipunga Sportsparks and the Ruakaka Riverside Reserve.

If Council wishes in the future to provide for camping on the grass at the Reotahi Scenic Reserve, this would require a separate consent by Council under the Reserves Act 1977.

## **8 Significance and Engagement**

### **8.1 Significance**

Council's Significance and Engagement Policy (the Policy) requires an assessment of the significance of every issue requiring a decision in accordance with the Policy's criteria for determining significance. Staff consider the decision to adopt the Statement of Proposal, the Summary of Information and the associated amendments is not significant as it does not trigger two or more of the significance criteria.

### **8.2 Engagement**

Section 5.3 of this agenda report outlines the engagement process.

## **9 Considerations**

### **9.1 Financial/budget considerations**

There are no financial or budget considerations in relation to the proposed consultation.

A report on the monitoring and enforcement program and cost options for the 2020-2021 freedom camping season was provided to the Strategy, Planning and Development Committee on 17 September 2020.

### **9.2 Policy and planning implications**

Nothing in this report is inconsistent with any Council policy, plan or strategy. The proposed amendment to the Public Places Bylaw will address the interface between the Public Places Bylaw and the Camping in Public Places Bylaw.

The interaction between the Bylaw and the Reserves Act has been addressed in Section 7.1 of this agenda report.

### **9.3 Risks**

Should Council not proceed with the proposed amendments Bylaw, the overall risks are:

- continued difficulties with enforcement of the bylaw, particularly in relation to safe parking and disposal of waste;
- conflicts of use of public places where public access is not protected in a balanced way;
- issues with overcrowding and overstaying at specific locations

The key risks associated with the proposal at this stage of the process relate to the consultation activities. It can be difficult to ensure all members of the community are aware

of the consultation process and are therefore able to make their views known to Council. The consultation activities discussed in Section 5.3 aim to address these issues.

#### **9.4 Impact on Sites of Significance to Māori**

The engagement activities discussed in Section 5.3 include working with Council's Maori Relationship staff to ensure relevant stakeholders are directly advised of the proposal.

## **10 Attachments**

Attachment 1: Statement of Proposal

Attachment 2: Proposed amended Camping in Public Places Bylaw

Attachment 3: Summary of Information about the Statement of Proposal

*Statement of  
Proposal  
**Amendment of the  
Camping in Public  
Places Bylaw and the  
Public Places Bylaw***



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## Introduction

Council's Camping in Public Places Bylaw was first created in 2017 to provide controls around freedom camping in order to support responsible camping in a way that balances the needs of campers with the protection of the environment, residents and the wider community. At its meeting on dd/mm/yyyy, Council decided to consult with the community on proposed changes to the Bylaw to better regulate freedom camping in Whangārei District.

A 'Statement of Proposal' (SOP) is a legal requirement when Council is proposing to make or amend a bylaw. The SOP sets out what the Council is proposing and the reasons for it.

We do recommend you read this SOP in full to understand the context for the proposed bylaw amendments and what the amendments are.

As well as this SOP, we have also prepared a shorter document called a Summary of Information, which explains the key matters in the proposal. This is available from our Council offices or online. If something in the Summary is not clear, you can always come back to this SOP for a more detailed explanation.

## Timeline for considering the proposed bylaw

### **Submissions period:**

Tuesday 27 October-Thursday 26 November.

### **Hearings:** 08 December 2020.

**Council deliberates on submissions and makes decisions on any changes to the draft Bylaw and/or proposed amendments:** tentatively late December 2020 or February 2021.

**Council adopts the final Camping in Public Places Bylaw and the associated amendment to the Public Places bylaw:** early 2021.

**Bylaw and amendments come into force:** mid to late 2021.

## Background

Camping in public places that are not campgrounds is generally known as ‘freedom camping’. Camping on public land is a popular summer pastime across New Zealand and an opportunity for an affordable holiday for both domestic and international visitors.

Freedom camping is governed by the Freedom Camping Act 2011 (FCA).

Under this Act Council can prohibit or restrict freedom camping only for one or more of the following purposes (criteria) per s11(2)(a):

- to protect the area
- to protect the health and safety of people who may visit the area
- to protect access to the area

This means that camping on public land is generally allowed unless it is restricted or prohibited on the basis of the purposes above. Council cannot take other criteria into account when deciding whether to prohibit or restrict freedom camping in certain areas. For example, competition with commercial campgrounds is not one of the criteria Council can use to prohibit freedom camping.

The permission to stay overnight on public land applies to freedom camping activities. As freedom camping is inherently a temporary activity it does not include living permanently in a vehicle in a public place.

Since the adoption of the Camping in Public Places Bylaw in 2017 Council put in place an extensive monitoring and enforcement programme for freedom camping. We have seen a significant increase in the number of freedom campers at monitored sites. Data to 25 March 2020 has shown the number of recorded freedom camping vehicles has doubled. The population of our District has also increased markedly. As a result, increased visitor pressure at our key coastal destinations has led to difficulties maintaining fair and balanced public access to public spaces and facilities. This is also reflected in the nature of complaints council receives in relation to freedom camping. Most complaints are about campers overstaying, blocking access and inappropriate disposal of human and solid waste.

Under the Freedom Camping Act 2011 Council is required to review its Camping in Public Places Bylaw within five years of first making the bylaw and every 10 years thereafter. The Camping in Public Places Bylaw was due for review by 2022. Council has decided to bring the review forward to address complex issues associated with freedom camping that have arisen since the bylaw was first adopted in 2017.

Before finalising the proposed amendments 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.

## ***What the current Camping in Public Places Bylaw does***

The Bylaw regulates freedom camping on land controlled or managed by the Council, by providing for five categories of land, and specifying the land in each category:

- Prohibited areas – where no camping is allowed (Schedule 1 of the Bylaw);
- Restricted areas for self-contained vehicles – where camping in self-contained vehicles only is permitted, subject to conditions (Schedule 2);
- Restricted areas for self-contained and non self-contained vehicles – where camping in such vehicles is permitted, subject to conditions (Schedule 3);
- Restricted areas for all camping – where camping in self-contained vehicles, non self-contained vehicles and tents is permitted, subject to conditions (Schedule 4);
- “Default” areas where camping is permitted subject only to the general provisions of the Camping in Public Places Bylaw – these are the local authority areas not within any of Schedules 1 to 4.

The Bylaw also contains general provisions relevant to all freedom camping, and provides for exceptions to and waivers of restrictions, and temporary closures, as well as enforcement provisions.

The current bylaw is available online at [www.wdc.govt.nz](http://www.wdc.govt.nz) or call us on 09 430 4200 or 080 932 463 if you would like to be sent a copy. The bylaw attached to this SOP also shows the proposed amendments marked up on the current bylaw.

## Proposed changes

As a result of the review of the Camping in Public Places Bylaw, Council considers that the bylaw should be amended. At its meeting on dd/mm/yyyy, Council made its review determinations and resolved to progress the Bylaw amendments set out in this SOP. Council also decided to make a small related change to the Public Places Bylaw, which is discussed at the end of this SOP.

The proposed changes to the Camping in Public Places Bylaw fall into two main categories:

- District-wide matters:
  - Providing better enforcement capabilities to temporarily close freedom camping sites to protect areas, access to areas or to protect health and safety;
  - Providing clarity in the bylaw as to the temporary nature of camping;
  - Including additional provisions related to health and safety.
- Area-specific changes i.e. changes to the Schedules:
  - Introduction of some seasonal restrictions on freedom camping at high-use destination beaches to protect public access;
  - Providing overflow freedom camping sites for peak Christmas season;
  - Further regulation and restriction of areas that have experienced pressure from freedom camping;
  - Providing some additional capacity for freedom camping at suitable locations.

These are discussed in more detail later in this SOP.

The Council is also proposing to make some minor wording changes of a ‘tidy up’ nature, to clarify or improve the drafting but without substantive effect.

Although this SOP mainly highlights the proposed substantive changes, please note that this consultation relates to the proposed (amended) Camping in Public Places Bylaw as a whole, and not just the amendments. Your submission can comment on any part of the proposed amended bylaw.

Before making a final decision on the proposed amended Bylaw, Council wants to hear your views. This Statement of Proposal provides you with the reasons for the proposed amendments as well as the relevant determinations under the statutory review process. A copy of the proposed amended Bylaw is also included in this document, with the changes marked up so you can compare them against the current bylaw.

## What do we want to know?

We would like your feedback on the proposed amended Camping in Public Places Bylaw, and the proposed amendment to the Public Places Bylaw. Once you have read through this SOP and the draft amended Bylaw, come back here to have a look at the key topics we want your feedback on.

Council is satisfied that a Bylaw under the Freedom Camping Act remains the most appropriate and proportionate way to address the actual and likely problems associated with freedom camping in the District. The Bylaw provides the most appropriate tools to regulate freedom camping in local authority areas. The overall balance of the prohibited and restricted areas in the District provides for conditions under which camping can take place. The Council considers recommended prohibitions and restrictions on freedom camping are justifiable, in light of the nature and scope of the problems being experienced in each individual area.

While the overall framework of the Bylaw is considered proportionate to address the perceived problem, further restrictions in specific areas are proposed based on enforcement and monitoring data collected over three years since the adoption of the Bylaw. As well, additional freedom camping capacity (including overflow sites at peak times) is desirable for some locations, in response to issues experienced over the past few years since the Bylaw was made.

What we want specific feedback on is the following:

- Are there any areas which should be added to the prohibited and/or restricted areas? If yes, which ones and why should these be included?
- Should Council impose seasonal restrictions on freedom camping at all, some, or none of the proposed key destination beaches, as listed in the proposal?
- Should Council designate peak-season overflow freedom camping sites at specified Sportsparks as described in the proposal?
- We also want to know if you agree or disagree with anything else in the proposal, both generally or for specific areas.

In giving your feedback please be aware that under the Freedom Camping Act 2011:

- Council cannot ban ALL camping in the District. The legislation specifically prohibits this.
- Council does not have the power to restrict or prohibit freedom camping for the purpose of protecting commercial campgrounds from competition.

## How to give us your feedback

There are several ways you can tell us what you think. You can submit in writing, or online, and you can talk to Councillors at the formal hearing. Go to our public consultations page at [www.wdc.govt.nz](http://www.wdc.govt.nz) for more information.

### Written submissions

You can provide us with a written submission via email or online, or you can fill in the submission form attached to this document.

- Email us: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) with 'camping in public places' in the subject line
- Submit online: [www.wdc.govt.nz](http://www.wdc.govt.nz)
- Post the paper form to Council, Private Bag 9023, Whangārei 0148, or deliver to one of our customer service centres at Forum North or Takutai Place, Ruakākā.

### Hearing

A formal hearing meeting will be held after the submissions period closes. This is an option if you are happy to address the full Council and answer any questions Councillors may have in Council Chambers.

The Hearing will be held on 8 December 2020 in Council Chambers at Forum North.

We will advise a time for you to attend closer to the date.

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

## What will happen with your feedback

All feedback received will be summarised and reported back to Council to support their deliberations on the proposal. The Elected Members will receive copies of all written submissions and summaries of what people said during the hearings.

## Legal Considerations

Under s.13 of the Freedom Camping Act (FCA) Council must review a bylaw made under the Act by making the determinations required by section 11(2) of the FCA. To make this assessment Council must consider whether a bylaw is necessary for one or more of the statutory purposes (to protect the area, to protect the health and safety of people who may visit the area, or to protect access to the area), whether the bylaw is appropriate and proportionate way of addressing the perceived problem in each area, and whether or not it is inconsistent with the New Zealand Bill of Rights Act 1990.

The Council has undertaken the review of the current Camping in Public Places Bylaw by reference to these matters.

### *The bylaw is necessary*

The Freedom Camping Act 2011 requires that a bylaw be necessary for one or more of the specified purposes. These purposes relate to protection of an area, protection of the health and safety of visitors to an area, and protecting access to an area. An analysis in accordance with these criteria has concluded that continued regulation of freedom camping through the Bylaw is necessary for the purposes in s.11(2)(a) FCA, but with some tightening of restrictions required in specific areas to address demonstrated problems.

### *Appropriate and proportionate*

Council is satisfied that a Bylaw under the Freedom Camping Act remains the most appropriate and proportionate way to address the actual and likely problems associated with freedom camping in the District. The Bylaw provides the most appropriate tools to regulate freedom camping in local authority areas. The overall balance of the prohibited and restricted areas in the District provides for conditions under which camping can take place. The prohibitions and restrictions on freedom camping are justifiable, in light of the nature and scope of the problems being experienced in each individual area as described in this proposal.

While the overall framework of the Bylaw is considered proportionate to address the perceived problem, the Council believes that further restrictions in specific areas are appropriate based on enforcement and monitoring data collected over three years since the adoption of the Bylaw. As well, it is considered desirable to provide additional freedom camping capacity (including overflow sites at peak times) for some locations, in response to issues experienced over the past few years since the Bylaw was made.

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

Both the current and proposed amended Camping in Public Places Bylaws are considered to be consistent with NZBORA. The restrictions on camping are reasonable and limited to those areas that require protection, both for the area and visitors to the area.

In Council's view, the bylaw does not affect the right to freedom of movement in section 18 of the New Zealand Bill of Rights Act 1990 (NZBORA) as the right to freedom of movement does not encompass a right to remain in a certain place for the purpose of camping overnight. But even if this right is affected, the interference with the right is minor and justifiable, and is based on a rational link between the bylaw provisions and the objective of controlling the adverse effects of freedom camping. The expansion of proposed areas for prohibition remains a proportionate control.

## Feedback options

After completing the statutory review process the Council has decided that the Bylaw should be amended. Under section 13(4) of the FCA, the Council is now required to use the special consultative procedure in the LGA to make those amendments. This SOP is part of that process.

In seeking feedback on the proposal, the Council has the option of limiting consultation to the proposed bylaw amendments only, or seeking views on the amended bylaw as a whole. These options are discussed in Table 1.

**TABLE 1: FEEDBACK OPTIONS**

FEEDBACK OPTIONS			
OPTION	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Option 1 - Seek feedback on all aspects of the proposed amended Camping in Public Places Bylaw	Public can make submissions on any matter in the bylaw – the provisions which are not changing as well as those that are. In particular, all restrictions and prohibitions in Schedules 1-4 to the bylaw are within the scope of the consultation.	This option provides for the fullest assessment of all parts of the bylaw and the widest range of options for the final amended bylaw.	Will require more time and resources.
Option 2 - Seek feedback on proposed amendments only.	Engagement limited to proposed bylaw changes only. Anything in the bylaw which is not proposed to be changed is outside the scope of the consultation.	This option would provide for a more restricted engagement process. Keeps the scope of consultation focussed on addressing the changes only.	Any additional issues identified through public consultation would be beyond the scope of the consultation process. This risks having to restart consultation or leave issues unresolved.  Proposed amendments may consequentially affect other provisions. Issues can be interrelated and may be difficult to limit consideration simply to proposed amendments.

The Council has determined to proceed with **Option 1 - Feedback on Proposed Amended Bylaw as a Whole**. The reason for this is to allow for the full scope of public consultation and consideration of all areas in the District affected by demand for freedom camping.

Council will still be limited by the criteria under section 11(2) of the Freedom Camping Act, which specifies that Council can regulate freedom camping through a bylaw only for the purposes of protecting the area, protecting the health and safety of people who may visit the area, and/or protecting access to the area. Council does not have the power to restrict or prohibit freedom camping for the purpose of protecting commercial campgrounds from competition.

## Further information on proposed amendments

### District-wide matters

#### 1. Temporary prohibitions or restrictions on camping

Currently clause 12.3 of the bylaw limits temporary closures of camping areas to not more than 14 consecutive days and not more than twice in any twelve-month period. Feedback from the Health and Bylaws department has been that this rule is not adequate to address the perceived problem.

There is no legal requirement that closures be limited to only twice in a 12-month period. Council considers that extensions of temporary closures on a reasonable basis and for no more than 14 days each time would be legally allowable – so long as the prerequisite for the closure (as provided in clause 12.1) is satisfied at the start of each such period. However, a maximum period for each single temporary restriction (e.g. 14 days) should be retained in order for the temporary closure provision to be reasonable.

The Freedom Camping Act does not authorize the making of a bylaw that provides for closure of local authority areas, as opposed to prohibition of freedom camping in those areas. Therefore, referring to temporary “prohibitions or restrictions” is a more accurate than referring to “temporary closures”.

It is recommended to amend cl.12 of the Bylaw and remove the restriction as to the frequency of temporary closures (cl 12.3).

#### “12. Temporary ~~closures~~ prohibitions or restrictions

**12.1** Council may temporarily ~~close~~ prohibit or restrict camping on any area or part of any area where a restriction is considered necessary by Council to:

- a) prevent damage to the area or facilities in the area
- b) allow maintenance of the area or facilities in the area
- c) protect the safety of persons or property
- d) enable public access, including in circumstances where events are planned for that area.

**12.2** Where reasonably practicable, prior notice will be given of any temporary ~~closure~~ prohibition or restriction, and the length of that ~~closure~~ prohibition or restriction, or its removal, in a manner appropriate to the circumstances.

**12.3** A temporary ~~closure~~ prohibition or restriction under clause 12.1 shall not extend for more than 14 consecutive days, however this does not limit Council’s power to make a fresh prohibition or restriction under clause 12.1 for the same area where the prerequisites in that clause are satisfied. and shall not be repeated in respect of the area to which it applied, more than twice in any twelve-month period.”

## 2. Protect health and safety

Feedback received over the three summer seasons of the operation of the Bylaw is that two health and safety matters need to be addressed in the bylaw. These are around safe parking and dumping of effluent.

### *One vehicle per marked space*

In designated sites with marked parking spaces there have been reports of freedom camping vehicles parking very close together, tandem parking, or otherwise parking in a way that results in having more than one vehicle per parking space. This raised concerns about maintaining balanced access to the relevant carparks for all types of users as well as concerns about overcrowding. The safety of using gas cookers in crowded conditions has implications for the safety of visitors to the freedom camping areas.

The reason behind having the restriction on parking within marked parking spaces was to control the number of freedom camping vehicles at each site in order to protect access to these carparks and to protect the health and safety of visitors. Specifying one vehicle per marked space will assist in improving public safety and access.

### *Dumping of effluent*

The Water and Drainage department has advised there have been instances of motorhome users dumping effluent into public toilets. Signage had to be put up to discourage this behavior. It is proposed to include no dumping of effluent in the list of conditions that all camping activities must comply with.

The proposed amendments to cl. 6 of the Bylaw are as follows:

### *“6. Provisions for camping...*

#### *6.4 All camping must comply with the following conditions:*

- a) vehicles must park within existing marked parking spaces or within identified parking areas, whichever is present. Where marked parking spaces are present, only one vehicle per marked space is allowed.*
- b) vehicles must be legally parked*
- c) the site used must be left in a clean and tidy state*
- d) the camping must not prevent others from undertaking legitimate activities in the area*
- e) the camping must not restrict public access to public areas*
- f) enforcement officers must be able to inspect any site being used for camping and campers must comply with any reasonable directions of an enforcement officer, including requests to view self-containment certificates and/or warrants.*
- g) no effluent tanks may be emptied in public toilets.”*

### 3. Temporary nature of camping

The term “camp” is not defined in the FCA and will therefore when used in the Bylaw its ordinary meaning applies. Camping is inherently a temporary activity, often for the purpose of holidaying. Living permanently in a vehicle, whether by choice or due to homelessness, is outside the scope of a freedom camping bylaw. Homelessness in particular is a complex social issue which needs solutions that sit outside bylaws.

The Council proposes that the bylaw be amended to clarify that any reference to a right to “camp” or “freedom camp” provided for under the Bylaw does not include taking up permanent or semi-permanent residence. The following additional clause 6.5 is proposed:

#### **“6. Provisions for camping**

....

**6.5. To avoid doubt, nothing in this Bylaw allows a person to take up permanent or semi-permanent residence on any local authority area.”**

As a related matter, Council considers that the Public Places Bylaw should also be amended to provide clarity around the use of public places for temporary accommodation: see the section “Amendment to Public Places Bylaw” at the end of this SOP.

### **Area-specific matters**

All public areas, including parks, reserves, road reserves and other land under the control of Whangarei District Council were assessed in 2017 against the criteria in section 11(2) of the Act. This resulted in Schedules 1 to 4 of the current Bylaw.

The areas included in Schedules 1 to 4, and any associated restrictions, have now been reviewed with input from Parks and Recreation, Infrastructure Projects and Support and Health and Bylaws departments of Council. Enforcement and monitoring data collected over the past three years has also been included in this assessment. Some areas to which the general district-wide rule applies under the bylaw (i.e. ‘default areas’) have also been reviewed.

As a result, Council proposes some changes to the Schedules. The tables and maps below detail the findings and proposals for specific areas in the District where it is considered appropriate for camping to be prohibited or restricted, and, if restricted, what restrictions should apply.

The types of restriction proposed take into consideration the nature, topography and location of the area, including signage location requirements. The restrictions provide for camping to occur either in designated sites (generally where there are no marked parking spaces present) or in one or more marked parking spaces.

## Schedule 1 – Prohibited areas

### (a) Areas already in Schedule 1 in current Bylaw

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A)(II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL AND REASONS
<b>Ngunguru School</b>  Map reference: S1-18			Area prohibited to camping in response to the 2017 submitters' concerns regarding school usage requirements. Self-contained camping available on remaining road reserve area.	Extend prohibited area further along the road to protect access to the school for drop-off. As the school drop off area has become busier since 2017 there is a need to extend the prohibited area
<b>Onerahi Sportspark</b>  New map reference: S2-O2B	Non self-contained freedom camping is not recommended in this location, as there are no shower facilities. Washing dishes in toilet sinks could lead to blocked drains from food scraps and oils.	Onerahi Sportspark is currently underutilised and could accommodate freedom camping during peak season utilising the existing facilities.	Onerahi Sportspark could be a suitable overflow site for self-contained freedom camping in summer outside the sporting season.	Designate as a peak-season overflow site for self-contained vehicles only from 18 December up until Northland/ Auckland Anniversary Day and when Sportspark is not being used for sporting activities. Expected to accommodate about 15 freedom camping vehicles to help alleviate pressure at other sites.

AREA	PROTECT THE AREA - S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA - S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA - S.11(2)(A)(III)	PROPOSAL AND REASONS
<b>Tikipunga Sportspark</b>  New map reference: S2-03D		There are some safety concerns in the area, however freedom campers themselves could provide some passive visual surveillance which could offset this concern.	Site is quite busy during the football and cricket seasons. The site could be suitable for a small number of self-contained freedom camping vehicles outside the sporting seasons.	Designate as a peak-season overflow site for self-contained vehicles only from 18 December up until Northland/ Auckland Anniversary Day and when Sportspark is not being used for sporting activities. Expected to accommodate about 15 freedom camping vehicles to help alleviate pressure at other sites.
<b>William Fraser Memorial Park on Pohe Island</b>  Map reference: S1-37		The Reserve's Management Plan identifies potential landfill gas issues due to its former purpose as district landfill.	The central carpark is expected to get busy in the near future with events and sports.	Not suitable for freedom camping. Although area was used as a temporary freedom camping location during Covid19 lockdown, concerns about landfill gas remain. The area is also expected to become busier once a playground is built next to the old pump track and balanced public access to the area needs to be maintained. Retain as a prohibited area.
All other areas identified in Schedule 1 to the current Bylaw	Reasons identified during the 2017 process apply to protect the identified areas, protect health and safety and to maintain balanced public access.			no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

## Schedule 1 – Prohibited areas – continued

### (b) New areas proposed to be added to Schedule 1

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL AND REASONS
<b>Abbey Caves – new carpark</b>  Map reference: S1-01A			High use mountain bike park with limited parking options as no safe parking on the side of the road. New carpark will also serve as spill over parking for Abbey Caves - one of Whangārei's iconic destinations.	Prohibit area to camping to protect public access.
<b>Helena Bay</b>  Map reference: S1-03C	Complaints of dotterel nesting grounds disturbed by visitors.	Complaints about non self-contained campers on the reserve at the end of Helena Bay Road leaving toilet paper. There are no public toilets on the reserve. Area is remote and difficult to enforce.		Recommended for prohibition to protect the area and to protect health (sanitation).
<b>McAuslin Road, Matapōuri</b>  Map reference: S1-13B		Windy road, no safe parking.	Protect public and vehicle access to the DOC reserve.	Prohibit freedom camping along the length of the road reserve which is under Council control to protect public safety and access. The adjacent DOC marginal strip is not under Council control. The road is windy and narrow and unsafe for parking. Numerous complaints received for this area since the bylaw came into force.

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL AND REASONS
<b>One Tree Point Road layby</b>  Map reference: S1-20		Shortly beyond the two wire fences is a sizeable drop. Campers at risk of falling over the cliff. Special signs have been ordered to discourage camping there (that do not conflict with the bylaw rules).		Prohibit camping to protect health and safety
<b>Otamure Bay</b>  Map reference: S1-21B	Fragile dunes. WDC reserve borders DOC reserve.	Complaints about non self-contained camping by the dunes.		Prohibit camping to protect the area. DOC camping already available in the area.
<b>Whangaumu Reserve - west (22 Whangaumu Street)</b>  Map reference: S1-35B		Small area with no public toilets.	The picnic table at the front is one of only a few in Tutukākā area that can be accessed by people with disabilities to enjoy the sea view. Reported issues with freedom campers blocking access for people with disabilities.	Prohibit area to camping to protect access and parking in the area for people with disabilities to be able to drive up to the picnic table. A designated freedom camping site is available at the main reserve on the east end of Whangaumu Bay.

## Schedule 2 – Restricted areas for self-contained vehicles only

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A)(II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL
<b>Finlayson Street/Reyburn House Lane carpark</b>  Map reference: S1-O3B			<p>Busy, high use at all times carpark. Carpark is used for weekly and monthly markets in summer. Whangārei Events Strategy 2019-2024 directs a focus on large events at the Town Basin and on the Hātea Loop. The designated areas limit the parking available for other vehicle users in peak times, particularly on the weekend and during events.</p>	<p>Prohibit area to camping to protect public access. The Waterfront Precinct Plan is currently reviewing the waterfront area and this site, with open space and markets indicated as anticipated future uses of this area.</p>
<b>Onerahi – Beach Road Reserve Carpark</b>  Map reference: S2-O2A	<p>Issues with overcrowding and damage to signage. To protect the area only self-contained camping is allowed.</p>	<p>Area has 24/7 public toilets; however, location has been subject to significant numbers of complaints from the community.</p>	<p>Year-round high use recreation area by local users with boat ramp and associated vehicle and trailer parking requirements. Limited carparking spaces.</p>	<p>Expand the designated site by 3-4 self-contained vehicles. Grass area is considered suitable, as campers have been parking there and is away from boat/trailer parking. Self-containment means campers would not create added pressure on the public toilet capacity.</p>

AREA	PROTECT THE AREA - S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA - S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA - S.11(2)(A)(III)	PROPOSAL
<b>Riverside/Hātea East Carpark</b>  Map reference: S2-O3A		No toilets on this site – not suitable for non self-contained camping. Currently a general area with 3-night maximum stay for self-contained vehicles only. Parking rules apply.	Currently carpark is underutilised and campers park there on occasion. However, it is expected that carpark will become busier for commuters and weekend visitors once the playground is constructed next to the Hundertwasser centre and parking on that side is lost.	Restrict area to provide 2-3 spaces for self-contained vehicles only. To protect access, restrict camping to the hours between 6pm-8am. One night stay maximum. Parking rules apply after 8am. This option has the benefit of providing balanced access to the Town Basin for day visitors who travel in large motorhomes, while dispersing demand by limiting stay to one night only as compared to 3 nights under the general rule.
<b>Ruakākā Beach Reserve</b>  Map reference: S2-O3B	Area has 24/7 public toilets; however, location has been subject to significant numbers of complaints from the community. To protect the area only self-contained camping is allowed.	Landward side is too sandy, large vehicles get stuck. Site not level and hence unsuitable for large motorhomes. Currently limited to vehicles not exceeding 4 meters.  High demand for toilets near the Surf-Lifesaving club - this means non self-contained camping is not feasible.	High use area in summer by day excursions and recreational visitors as well as local usage. Considered a key 'destination' beach for many visitors and a popular surfing beach. Reports of campers removing designated site signage and moving the signs to increase the designated site area. This limits other users' access to the area	Prohibit the landward side of the designated site at Ruakākā Beach Reserve due to parking safety concerns. Retain the seaward side of the designated freedom camping site and amend the maps.

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL
<b>Ruakākā Riverside Reserve</b>  Map reference: S2-03C	Frequent complaints about non-compliant camping at Ruakākā Riverside Reserve. This is a recreation reserve and currently a default area. Parking on the grassy area of reserve breaches the “legal parking” requirement in cl.6 of the Bylaw.	There are no public toilets on the reserve.	Overcrowding and overstaying at Ruakākā Riverside reserve being a general/default area	Establish a designated site for self-contained vehicles. This would allow for improved management compared to the status quo, as it would allow control of the number of vehicles and encourage their turnover by limiting stay to one night (as compared to 3 nights under the general rule currently). The size and location of the recommended site has been determined by ground suitability and access considerations and is expected to accommodate 3-4 vehicles.
<b>Whangārei Falls Scenic Reserve</b>  Map reference: S2-04			Busy, high use at all times carpark with limited carparking spaces. Overstaying has been main complaint since 2017.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

### Schedule 3 – Restricted areas for self-contained and non self-contained vehicles

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL
<b>A H Reed Memorial Park – Whareora Road carpark</b> Map ref: S3-01		24/7 toilets available. Designated site within 50 m of toilets to support usage.	Busy, high use at all times carpark. No suitable area for tents	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)
<b>Basculle carpark – Port Road</b> Map Reference: S3-02		24/7 toilets available. Designated site is within 50 m of toilets to support usage. Current carpark layout was chosen to accommodate oversized camper van turning requirements and raingardens for managing stormwater runoff. Opposite side of carpark by Ray White deemed unsuitable as close to a 24hour truck wash.	Busy, high use at all times carpark. High usage site for campers accessing CBD/Town Basin. Popular with locals walking the Loop. Current option maximises parking capacity for all users including recreational users of the Hātea Loop and the surrounding businesses.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria).
<b>Kowharewa Bay</b> Map Reference: S3-03	Persistent overcrowding by high numbers of freedom campers leads to a loss of amenity within the carpark itself, which is part of the recreation reserve. This impacts on the beauty of the area and enjoyment of the public that are the purposes of the reserve under the Reserves Act.	24/7 toilets available. Designated site within 50 m of toilets to support usage. Area remains suitable for NSC vehicles but too small to also accommodate tents.	This is a popular site, in high demand by locals and visitors in peak season. Local population has gone up significantly since 2017, contributing to demand. Frequent reports of overstaying, overcrowding, campers blocking parking or access.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect the area.

AREA	PROTECT THE AREA - S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA - S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA - S.11(2)(A)(III)	PROPOSAL
<b>Manaia walkway carpark</b> Map ref: S3-04		Designated site immediately adjacent to toilets.	Retains 17 parking space for daytime arrivals.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)
<b>Marsden Bay Reserve</b> Map ref: S3-05		24/7 toilets available. Designated site within 50 m of toilets to support usage.	Recreation reserve. Prohibits vehicles on northern end of reserve which is the area predominantly subject to complaints and submitter feedback.	No bylaw changes recommended because physical works can resolve problems.
<b>Matapōuri - Wehiwehi Road carpark</b> Map Reference: S3-06		Toilets experiencing high demand during peak season. Cleaning contractor reports sanitary bins filled with food scraps.	High use recreation area with limited carparking spaces, popular camping area. Local population has gone up significantly since 2017, site in strong demand during peak season. High numbers of freedom campers - this conflicts with a competing use for parking by day visitors. Reports of overcrowding and overstaying. A project is underway to address visitor and parking demand across the entire Matapōuri area - Restoring the Mauri of Matapōuri (Matapōuri beach carparks).	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access and to protect health and safety.
<b>Ngunguru Library</b> Map ref: S3-07		24/7 toilets available. Designated site within 50 m of toilets to support usage.	Carpark area only. Tents would hinder access.	no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL
<b><i>Ocean Beach carpark</i></b>  Map reference: S3-o8	Grassy overflow carpark has drainage issues and is unsuitable for parking during wet conditions.	Existing toilet facilities in high demand during peak season. Spill-over parking along Ocean Beach Road during busy season creates safety concerns. Reports of self-contained camping outside designated area.	High use area year-round. Demand increased drastically since 2017 due to population growth in Whangārei Heads. ‘Destination’ surf beach. Although Ocean Beach is very busy and popular with day users as well as freedom campers, there are few alternative camping options in the area and therefore prohibiting or significantly restricting freedom camping capacity could create unintended consequences.	Expand the designated site close to the toilets (adding 3-4 vehicle spaces) and prohibit camping on the grassy overflow carpark at Ocean Beach. Prohibiting camping on the grassy overflow area would be proportionate under s.11(2) FCA due to the need to protect the area and to protect balanced access to the area for all types of visitors. The overflow carpark is intended for use during peak summer season for day visitor parking. This option would provide more certainty to enforcement, campers and locals.
<b><i>One Tree Point – boatramp</i></b>  Map ref: S3-o9		The designated site is within 50 metres of public toilets.	Carpark area only. Tents would hinder access. Designated area ensures other parking spaces available for vehicles and boat trailers. Restrict to one night maximum to protect balanced access	Extend the designated site. By resolution of Council in 2019 the site was moved to another side of the carpark and there is now room to add 1-2 more marked parking spaces.

AREA	PROTECT THE AREA - S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA - S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA - S.11(2)(A)(III)	PROPOSAL
<b>Reotahi</b> Map reference: S3-10	Camping on the scenic reserve is prohibited under the Reserves Act, unless specifically consented by Council. Te Araroa walkers are arriving on foot and pitching tents in the area while waiting for a ferry to the other side. The walkers have no transport and no reasonable options to move on.	Allowing non self-contained tent camping under schedule 4 is not advisable, as vehicles with trailers carrying large tents and camping equipment would create a safety hazard accessing the carpark via a long narrow uphill driveway with limited visibility.	High use area in summer. Beach road below is very busy with boat launching activities and limited parking.	Recommended to exclude a portion of the current prohibited area (next to public toilets) from regulation under the Camping in Public Places Bylaw and regulate under the Reserves Act. The default position under the Reserves Act would be that tent camping on the grass is still prohibited, but Council is considering providing consent under the Reserves Act for limited tenting in the area by Te Araroa Trail walkers.
<b>Tarewa I-Site</b> Map reference: S3-11	Carpark area only - no suitable location for tents.	The designated site is within 50 metres of public toilets.	Carpark is well utilised by day visitors and café customers. With the designated site now moved closer to the road there is capacity to extend the existing designated site.	Recommended to extend the designated site by 3 additional marked freedom camping spaces.

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL
<b>Whangaumu Bay – main reserve (Whangaumu Reserve)</b>  Map Reference: S3-12	Reports of campers parking on the far western side of the main reserve which is a fragile sandy area. The designated site is on a recreation reserve - purposes of the reserve under Reserves Act include enjoyment of the reserve by the public and protecting beauty of the area. Overcrowding and camper's personal effects causing general loss of amenity of the reserve at the current designated site as negatively perceived by other campers, dog walkers, and day visitors who are parking and picnicking in the same area.	The current toilet facilities are in high demand during peak season. Portaloos had to be used in the past to meet demand.	High use area in summer by day excursions and recreation visitors as well as local usage. Difficulties with parking and overcrowding. Considered a key 'destination' beach for many visitors. The area at far eastern side of the reserve (part of Esplanade Reserve) currently a default area and had issues with camping vehicles obstructing access to the boat ramp.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and protect the area (amenity within the reserve itself). Extend the prohibited area to cover the far eastern end of the reserve in order to protect access to the area for boat launching. Extend the prohibited area to the far western side to protect safety and ecology, as area is sandy.

## Schedule 4 – Restricted areas for all camping

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL
<b>Parua Bay</b>  Map Reference: S4-01		24/7 toilets available. Designated non self-contained site is within 50 m of toilets. Proposed self-contained site is located further from the toilets.	A grassy “triangle” next to the designated site is currently a general (default area). This needs to be regulated as camping on the grass triangle creates access and overstay issues. Usage of area increased as local population increased. Conflicts of use between freedom camping and boat trailer parking.	Restrict all camping to a maximum of 3 nights, except where Council has determined, due to problems with overcrowding, there should be a 2-night maximum. The permitted stay period will be indicated on a sign displayed in the area. Designate specific sites for tents, non self- contained vehicles and self-contained vehicles. Restrict camping on the “triangle” to self-contained vehicles only to protect balanced access to the area. This will provide proportionate regulation and address the overstay problem.

AREA	PROTECT THE AREA - S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA - S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA - S.11(2)(A)(III)	PROPOSAL
<b>Sandy Bay - toilet block carpark</b>  Map Reference: S4-O2	No grass to erect tents. Fragile dunes.	Sand trap in the middle of site - vehicle safety concern. Limited manoeuvrability for large vehicles. Increasing pedestrian safety risks.	Public access issues during peak season. Confined high use area in summer by day visitors. Considered a key 'destination' beach for many visitors. Popular surf beach. Usage has increased drastically since 2017 due to population growth in the district. Te Araroa Trail exit point - sites full by the time walkers arrive late afternoon.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect health and safety. Limit maximum length of vehicles to 4 meters due to safety issues (sand trap).
<b>Tamaterau</b>  Map Reference: S4-O3	Frequent instances of non self-contained camping outside designated area are causing environmental pressure on the area.	Persistent sewage smell.  24/7 toilets available. Designated site within 50 m of toilets to support usage.	The carpark is to be sealed and individual parking spaces will be marked. This has been approved by resolution of Council in October 2019. The parking and tenting provisions for freedom camping will remain the same after sealing.	No change. Physical works and carpark sealing will address the overcrowding issues.
<b>Waipū Caves</b>  Map Reference: S4-O4	Bollards have been installed to protect grass.	24/7 toilets available. Designated site within 50 m of toilets to support usage.		no change - current rules provide appropriate and proportionate regulation (as per FCA criteria)

AREA	PROTECT THE AREA – S.11(2)(A)(I)	PROTECT THE HEALTH AND SAFETY OF VISITORS TO THE AREA – S.11(2)(A) (II)	PROTECT ACCESS TO THE AREA – S.11(2)(A)(III)	PROPOSAL
<b>Whananaki North</b>  Map Reference: S4-O5		Grassy area gets very soft in wet conditions. Carpark has been gravelled in 2018 to improve vehicle safety. Safety and vehicle manoeuvring requirements require to limit carpark capacity to maximum two large vehicles.	The size of the designed site has been reduced in 2018 following community feedback and to protect access. Very popular area with campers, day visitors. Access to picnic tables becomes limited in summer.	Amend the map for the area to reflect the true capacity of the carpark. Specify maximum two large vehicles in the gravelled carpark. Designate the location of the tenting area on the map (as was done for Tamaterau) to provide clarity to campers and protect access to picnic tables.
<b>Woolleys Bay - western carpark</b>  Map Reference: S4-O6	Persistent overcrowding by high numbers of freedom campers leads to a loss of amenity within the parking area itself, which is part of the recreation reserve. This impacts on the beauty of the area and enjoyment of the public that are the purposes of the reserve under the Reserves Act.	24/7 toilets available. Designated site within 50 m of toilets to support usage.	High use recreation area, popular camping area. Local population has increased significantly since 2017, contributing to demand. Reports of overcrowding, overstay and blocking parking.	Restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area.

## Other areas

Note also that camping may also be regulated under other legislation and bylaws (not part of this SOP). Camping on William Fraser Memorial Park on Pohe Island and Kensington Park is also regulated through their respective Reserve Management Plans. This allows for certain types of organised camping activities which are at the discretion of Council and for which consent is required.

Camping at Whau Valley Dam is prohibited unless permitted in writing by Council under the Water Supply Bylaw 2012.

Two other areas in the District have experienced issues associated with pressure from freedom camping: Cobham Oval and Matapōuri Estuary. These are the general “default” areas where freedom camping in self-contained vehicles is permitted for up to three nights subject to conditions under cl.6 of the Bylaw.

Cobham Oval is currently a gravelled carpark and has been used by large campervans. There have been issues with camping hindering public access to the area for parking during events and sports. The sealing plans for Cobham Oval do not provide for large campervans as the line marking will be standard vehicle size. The sealing of the car park is a requirement of the resource consent conditions and it is used as an overflow carpark for the stadium. The original Cobham Oval consent provided for 311 car parks, however is now further reduced to provide for the amenity of the carpark with stormwater management. There is no capacity to create an area for parking for large campervans as this would further reduce the number of car parks. It is recommended to retain this area as a “default” area (i.e. not a prohibited or restricted area under Schedules 1-4). Freedom camping may take place under district-wide rules, including the requirement that vehicles must be legally parked and the camping activity must not prevent others from undertaking legitimate activities in the area.

Matapōuri Estuary has experienced ecological damage from vehicles disturbing fragile dunes. Planned installation of bollards will resolve the problem of all types of vehicles disturbing the dunes (not just vehicles used in freedom camping). As physical works will resolve the problem there is no need for further regulation.

## Amendments to maps

### Schedule 1

#### Changes to current prohibited areas

##### Ngunguru School

MAP REFERENCE: S1-18

Proposal: Extend prohibited area further along the road to protect access to the school for drop-off. As the school drop off area has become busier since 2017 there is a need to extend the prohibited area.

#### Current

 All camping prohibited



**Proposed**

 All camping prohibited



## Onerahi Sportspark

MAP REFERENCE: S2-02B



Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2.

### Current

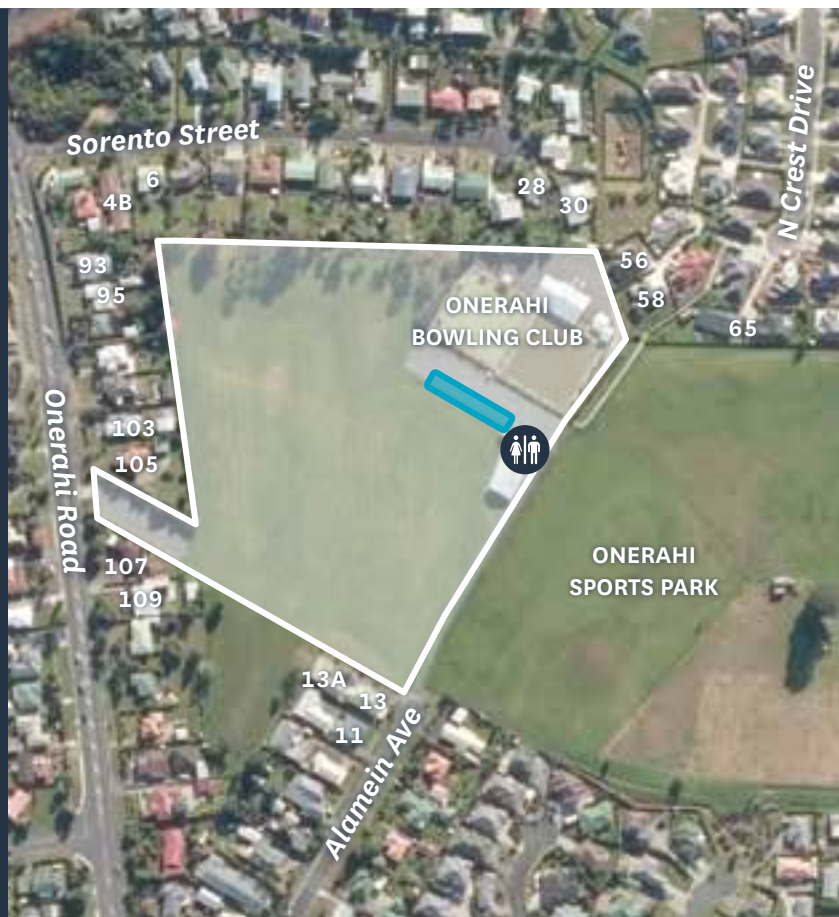
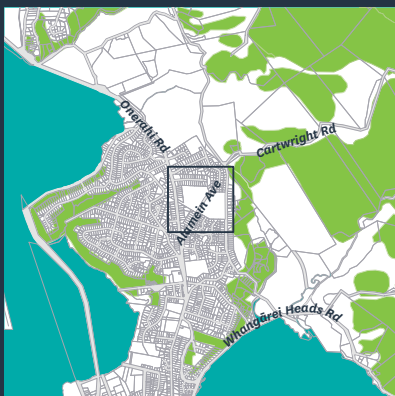
-  All camping prohibited



### Proposed

-  [All camping prohibited](#)
-  [Self-contained camping in designated site or marked parking spaces only](#)

[Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.](#)



## Tikipunga Sportspark

MAP REFERENCE: S2-03D


Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2.


### Current

 All camping prohibited



### Proposed

 [All camping prohibited](#)

 [Self-contained camping in designated site or marked parking spaces only](#)

[Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.](#)

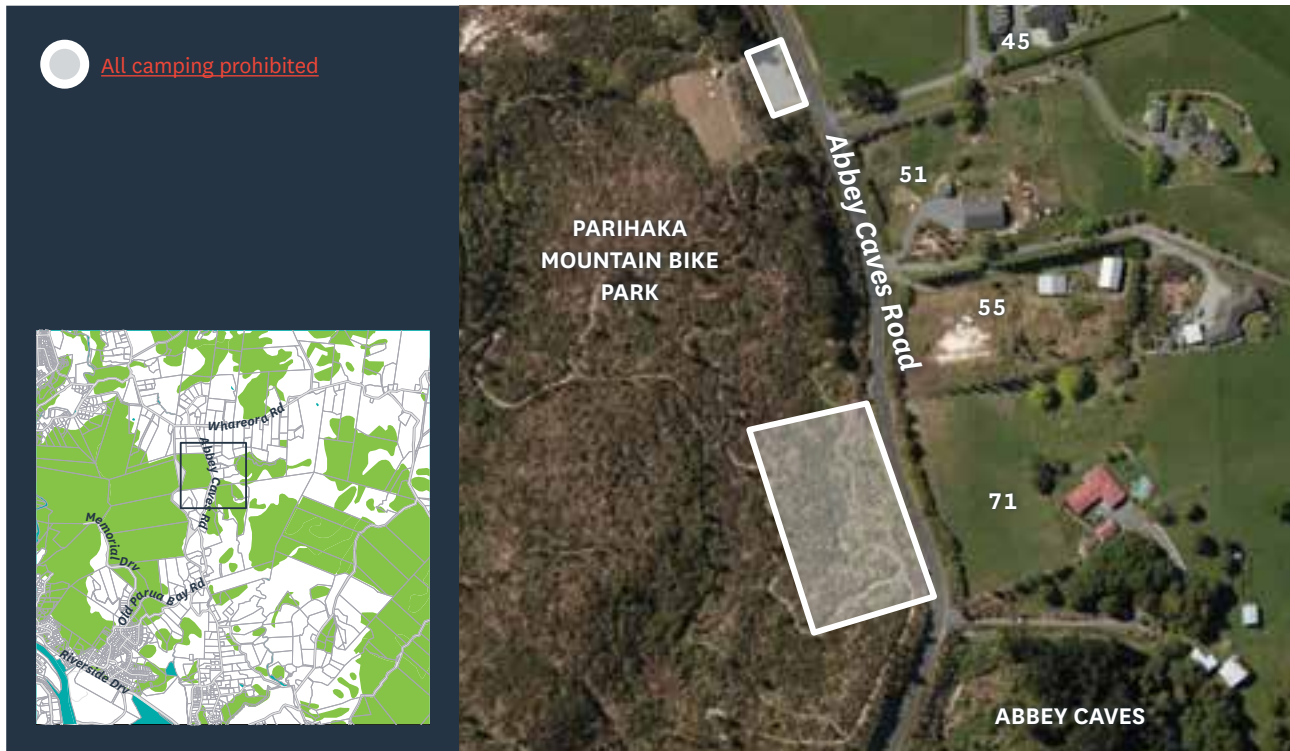


## New prohibited areas

### Abbey Caves

MAP REFERENCE: S1-01A

Proposal: prohibit area to freedom camping to protect public access.



### Helena Bay

MAP REFERENCE: S1-03C

Proposal: prohibit area to freedom camping to protect the area and to protect health (sanitation).



### McAuslin Road, Matapouri

MAP REFERENCE: S1-13B

Proposal: prohibit area to freedom camping along the length of the road reserve which is under Council control to protect public safety and access.



### One Tree Point Road layby

MAP REFERENCE: S1-20B

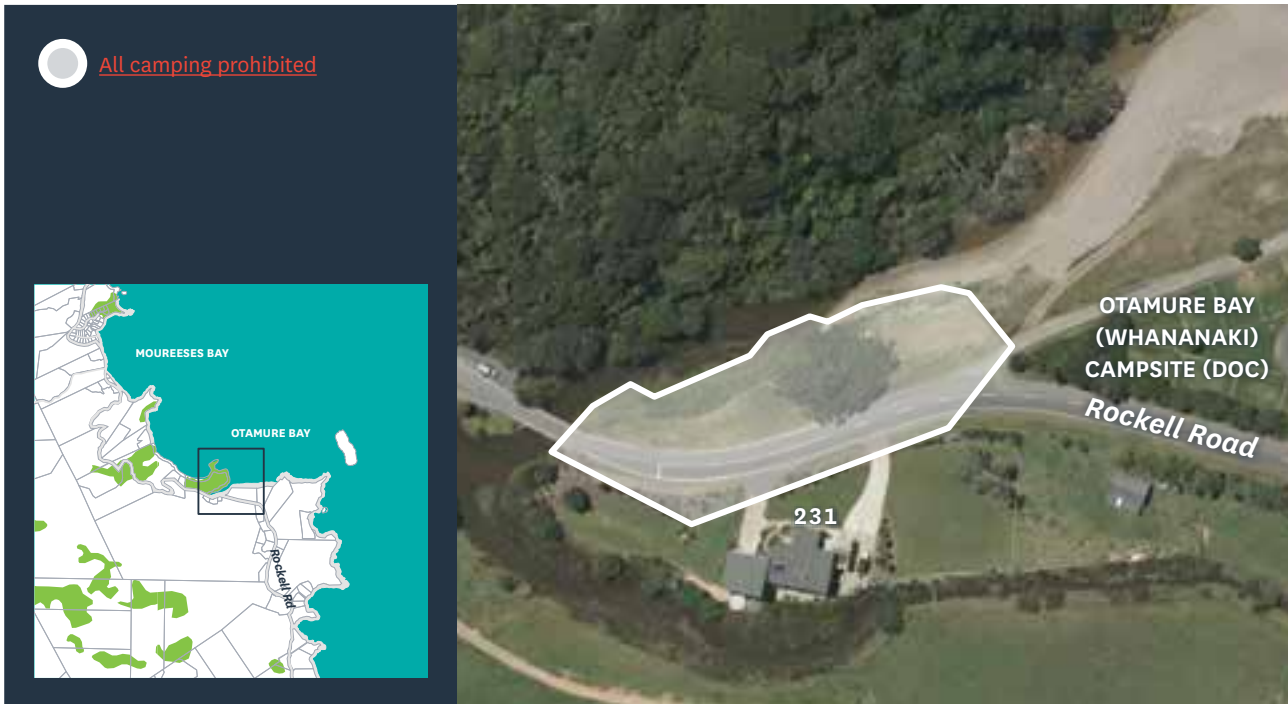
Proposal: prohibit to camping to protect health and safety.



### Otamure Bay

#### MAP REFERENCE: S1-21B

Proposal: prohibit area to freedom camping to protect the area. DOC camping is readily available nearby.



### Whangaumu Reserve - west (22 Whangaumu Street)

#### MAP REFERENCE: S1-35B

Proposal: prohibit area to freedom camping to protect access and parking in the area for people with disabilities to be able to drive up to the picnic table. A designated freedom camping site is available at the main reserve on the east end of Whangaumu Bay.



## Schedule 2



### Changes to current areas

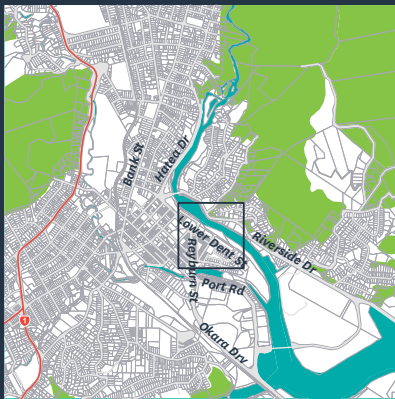
#### Finlayson Street/ Reyburn House Lane carpark

MAP REFERENCE: S1-03B


Proposal: prohibit area to freedom camping to protect public access.

#### Current

-  All camping prohibited
-  Self-contained vehicles in designated site or marked spaces only



#### Proposed

-  All camping prohibited





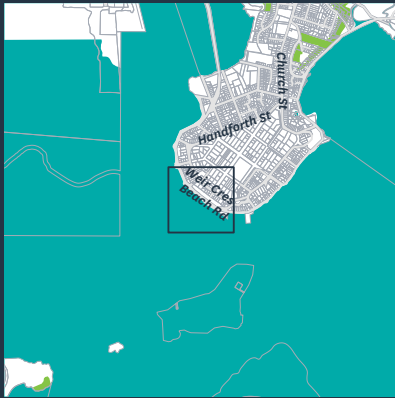
## Onerahi - Beach Road Reserve Carpark

MAP REFERENCE: S2-02A



Proposal: expand the designated site by adding a second designated bay to accommodate 3-4 vehicles.

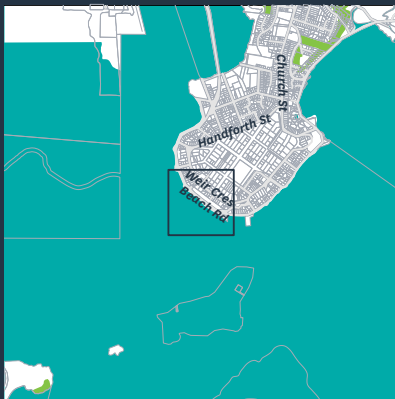
### Current

-  All camping prohibited
-  Self-contained vehicles in designated site or marked spaces only



### Proposed

-  All camping prohibited
-  Self-contained vehicles in designated site or marked spaces only





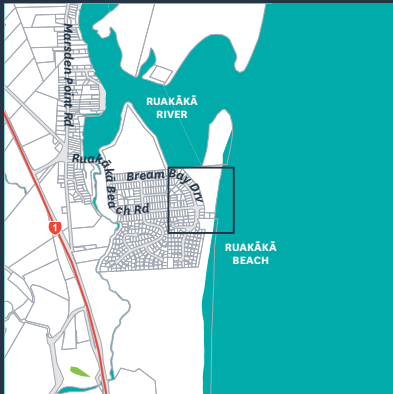
## Ruakākā Beach Reserve

MAP REF: S2-03B



Proposal: prohibit the landward side of the designated site at Ruakākā Beach Reserve due to parking safety concerns. Retain the seaward side of the designated freedom camping site and amend the maps.

### Current

-  All camping prohibited
-  Self-contained vehicles in designated site or marked spaces only



### Proposed

-  All camping prohibited
-  Self-contained vehicles in designated site or marked spaces only



## Add new designated sites to Schedule 2

### Onerahi Sportspark

MAP REFERENCE: S2-02B


Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2


#### Current

 All camping prohibited

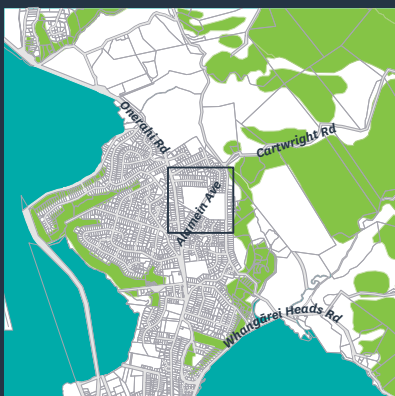


#### Proposed

 All camping prohibited

 Self-contained camping in designated site or marked parking spaces only

Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.



### Riverside/Hātea East Carpark

MAP REFERENCE: S2-03A

Proposal: restrict freedom camping to self-contained vehicles only in a designated site to protect access to the area. Maximum one-night stay limit applies under Schedule 2.



### Ruakākā Riverside Reserve

MAP REF: S2-03C

Proposal: restrict freedom camping to self-contained vehicles only in a designated site to protect the area and access to the area. Maximum one-night stay limit applies under Schedule 2.



## Tikipunga Sportspark

MAP REFERENCE: S2-03D


Proposal: designate as a peak season overflow site for self-contained vehicles only under Schedule 2


### Current

 All camping prohibited



### Proposed

 [All camping prohibited](#)

 [Self-contained camping in designated site or marked parking spaces only](#)

[Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.](#)



## **Schedule 3**

### **Changes to current areas**

#### ***Kowharewa Bay***

##### **MAP REFERENCE: S3-03**

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect the area.

No changes to the map.

#### ***Matapōuri – Wehiwehi Road carpark***

##### **MAP REFERENCE: S3-06**

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect health and safety.



No changes to the map.

## Ocean Beach carpark

### MAP REFERENCE: S3-08



Proposal: Expand the designated site close to the toilets and prohibit camping on the grassy overflow carpark to protect the area and access to the area. This adds capacity at the designated site for 3-4 additional vehicles depending on vehicle size.

#### Current

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked spaces only



#### Proposed

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





## One Tree Point - boatramp carpark

### MAP REFERENCE: S3-09



Proposal: extend the designated site. The site was moved in 2019 to another side of the carpark and there is now room to add 1-2 additional marked spaces.

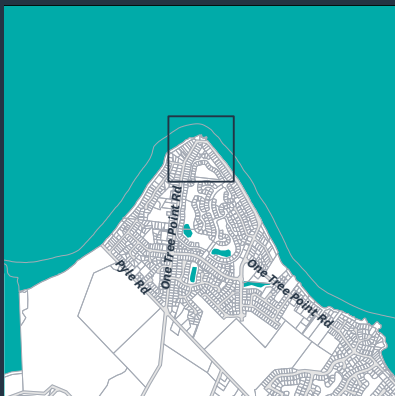
#### Current

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked spaces only



#### Proposed

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked **parking** spaces only





## Reotahi

### MAP REFERENCE: S3-10




Proposal: reduce the prohibited area by removing the small grassy area next to the public toilets. Reotahi is a scenic reserve, and so camping in that area is still prohibited under the Reserves Act 1977, but Council is considering providing consent under that Act for limited tenting in the area by Te Araroa trail walkers. In order to regulate the camping under the Reserves Act, the prohibition under the Camping in Public Places Bylaw and the Freedom Camping Act 2011 first needs to be removed.

#### Current

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only



#### Proposed

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only
-  Note: Camping regulated under the Reserves Act 1977





## Tarewa i-Site

### MAP REFERENCE: S3-11



Proposal: extend the designated site by 2-3 additional marked freedom camping spaces.

#### Current

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked spaces only



#### Proposed

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked **parking** spaces only





## Wellingtons Bay – main reserve (Whangau Reserve)

### MAP REFERENCE: S3-12



Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect the area. Extend the prohibited area to cover the far eastern end of the reserve in order to protect access to the area for boat launching. Extend the prohibited area to the far western side to protect safety and ecology, as area is sandy.

#### Current

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked spaces only



#### Proposed

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked **parking** spaces only





## Schedule 4

### Parua Bay

#### MAP REFERENCE: S4-01





Proposal: extend the prohibited and designated area to cover the “triangle” to protect balanced access to the area. Designate specific sites for tents, non self-contained vehicles and self-contained vehicles. Restrict all camping for a maximum of 3 nights, except where Council has determined, due to problems with overcrowding, there should be a 2-night maximum. The permitted stay period will be indicated on a sign displayed in the area.

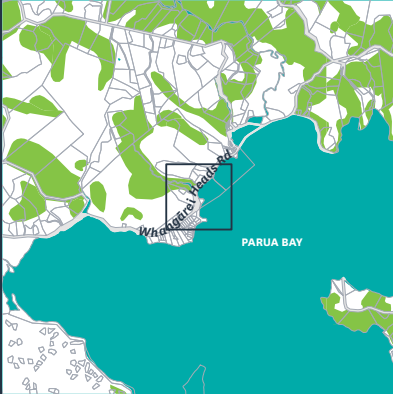
#### Current

-  All camping prohibited
-  All camping permitted in designated site or marked parking spaces only



**Proposed**

-  All camping prohibited
-  Self-contained vehicles in designated overflow site when ground conditions permit
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only
-  Tents permitted in designated site





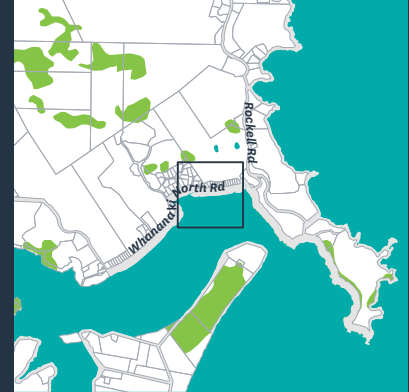
## Whananaki North

### MAP REFERENCE: S4-05




Proposal: Amend the map for the area to reflect the true capacity of the carpark. Designate the location of the tenting area on the map (as was done for Tamaterau) to provide clarity to campers and protect access to picnic tables.

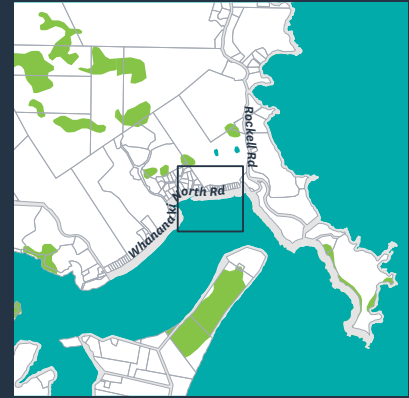
#### Current

-  All camping prohibited
-  All camping permitted in designated site or marked parking spaces only



**Proposed**

-  All camping prohibited
  -  Self-contained and non self-contained vehicles in designated site or marked parking spaces only
  -  Tents permitted in designated site
- The carpark area is suitable for a maximum two large camping vehicles.

**Sandy Bay****MAP REFERENCE: S4-02**

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area and to protect health and safety.

No changes to the map.

**Woolleys Bay – western carpark****MAP REFERENCE: S4-06**

Proposal: restrict camping to outside the peak season (which runs from 18 December to 08 February) to maintain appropriate public access to the area.

No changes to the map.

## Amendment to the Public Places Bylaw

To provide clarity around the use of public places for the purposes of accommodation, the Council is also proposing an amendment to clause 19 of the Public Places Bylaw. At present clause 19 prohibits (amongst other things) any tent or structure in a public place, however that is potentially contrary to any rights to camp pursuant to the Freedom Camping Act and Camping in Public Places Bylaw. Further, the Public Places Bylaw does not expressly prohibit living in vehicles in public places. The Council wishes to provide that the Public Places Bylaw prohibits the use of public places for living accommodation, except for camping permitted under the freedom camping legislation or as otherwise authorised by the Council.

The following amendment is therefore proposed:

### **19 Buildings Structures and Living Accommodation in Public Places Prohibited**

*1. No person shall, ~~except with the written consent of the Chief Executive or delegate~~:*

*a. erect, construct or place any temporary or permanent building, tent or other structure whatsoever, or any part thereof, under, over or across any public place, ~~except with the prior written consent of the Chief Executive Officer or delegate~~;*

*b. use any building, tent, caravan or vehicle on any public place for the purpose of living accommodation.*

*2. Subclause 1 does not apply to any use of the public place for the purposes of freedom camping permitted in that place pursuant to the Freedom Camping Act and any bylaw under that Act.*

The Council considers that this amendment is the most appropriate way of clarifying that public places may not be used for living accommodation which is not camping (including in vehicles) and of addressing the interface between the Public Places Bylaw and the Camping in Public Places Bylaw.

# *Camping in Public Places Bylaw*

**2017**    

*Proposed Amended Camping  
in Public Places Bylaw*

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## 1. Title

- 1.1** This Bylaw is the Camping in Public Places Bylaw 2017.

## 2. Commencement

- 2.1** This Bylaw comes into force on 21 October 2017.

## 3. Application

- 3.1** This Bylaw applies to the Whangārei District.

## Part 1 Preliminary provisions

### 4. Purpose

**4.1** The purpose of this Bylaw is to regulate and manage camping on land controlled and managed by Whangarei District Council to:

- a) protect areas
- b) protect the health and safety of people who may visit areas
- c) ensure appropriate public access to areas is maintained
- d) provide transparency for those wishing to camp in public places in the District
- e) support a positive experience for campers and residents.

*Explanatory note: The provisions of this Bylaw only apply to public places owned and/or controlled by Council and which are not managed as a camping ground. The Bylaw does not apply to land owned or controlled by other organisations, for example the Department of Conservation and The New Zealand Transport Agency, or privately owned land.*

### 5. Interpretation

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

**Act** means the Freedom Camping Act 2011.

**Area** means a local authority area that is considered a discrete singular location and which may have multiple parking areas or marked parking spaces contained within it.

**Camp or camping** has the same meaning as freedom camp/freedom camping as provided in ~~§5 section 5~~ of the Act or any subsequent legislation ~~that amends or replaces the Act in amendment of, or substitution for, the same.~~

**Council** means the Whangarei District Council

**Designated site** means a parking area or marked parking spaces identified within the areas in Schedules 2, 3 and 4 of this Bylaw and indicated by signs erected in the area where camping is permitted subject to any restrictions and conditions.

**District** means the district of Whangarei District Council

**Enforcement Officer** means a person appointed as an enforcement officer under the Act.

**Infringement offence** means an offence specified in ~~Section section~~ 20(1) of the Act.

**Local authority area** has the meaning set ~~in out in section 6 of the Freedom Camping Act 2011~~ or any subsequent legislation ~~that amends or replaces that Act, in amendment of, or substitution for, the same.~~

**Reserve management plan** means a management plan prepared under section 41 of the Reserves Act 1977 for reserves for which Council is the administering body.

**Self-contained vehicle** means a vehicle that complies with the New Zealand Standard 5465:2001 (the Standard), incorporating all amendments as at 1 September 2017 or any subsequent New Zealand Standard ~~that amends or replaces that Standard, in amendment of, or substitution for, the same.~~ Evidence of compliance with the Standard is through the display of a current warrant card and the availability on request of the associated self-containment certificate.

*Explanatory note: A self-containment certificate is issued for vehicles that have systems to contain both black water (from toilets) and grey water (wastewater from sinks, showers or similar). The warrant that is issued in conjunction with the self-containment certificate should be displayed inside the front window of the vehicle.*

*Any plumber or other suitably qualified person registered under the Plumber, Gasfitters and Drainlayers Act 1976 is eligible to certify compliance with NZS 5465. The standard also provides for other entities to be issuing authorities if they have a suitable scheme for certifying testing officers.*

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

**Waste** means any kind of waste, including human waste.

- 5.2 Every Schedule to ~~the this~~ Bylaw ~~and the several parts thereof shall be deemed to~~ forms part of this Bylaw.
- 5.3 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be changed without formality.
- 5.4 The Interpretations Act 1999 applies to this Bylaw.

## Part 2 Provisions for camping, and restricted and prohibited areas

### 6. Provisions for camping

- 6.1 Camping is permitted in any local authority area within the District, except for those areas where it is prohibited or restricted:

- a) pursuant to this Bylaw; or
- b) under any other enactment.

*Explanatory note: The provisions of Council's District Plan, Reserve Management Plans and other bylaws; including, ~~but not limited to,~~ the Parking and Traffic Bylaw 2009, the Liquor Management Bylaw and the Public Places Bylaw 2014, also apply to camping.*

- 6.2 Camping is restricted to self-contained vehicles only in all areas of the District, except for those areas listed in Schedules 3 and 4 of this Bylaw.

*Explanatory note: All Schedules of this Bylaw provide specific restrictions for the areas contained in the Schedules, including for self-contained vehicles. For all areas not included in the Schedules, camping is permitted only in self-contained vehicles.*

- 6.3 Except where this Bylaw provides for a lesser period, no person may camp for more than three nights in any four-week consecutive period in any one area, or within 1 kilometre of any area they have previously camped in within that four-week period. The four consecutive weeks ~~period~~ begins on the date the first camping commences from the first stay.

- 6.4 All camping activities must comply with the following conditions:

- a) vehicles must park within existing marked parking spaces or within identified parking areas, whichever is present. Where marked parking spaces are present, only one vehicle per marked space is allowed
- b) vehicles must be legally parked
- c) the site used must be left in a clean and tidy state
- d) the camping ~~activity~~ must not prevent others from undertaking legitimate activities in the area
- e) the camping ~~activity~~ must not restrict public access to public areas
- f) enforcement officers must be able to inspect any site being used for camping and campers must comply with any reasonable directions of an enforcement officer, including requests to view self-containment certificates and/or warrants

g) no effluent tanks may be emptied in public toilets.

- 6.5 To avoid doubt, nothing in this Bylaw allows a person to take up permanent or semi-permanent residence on any local authority area.

*Explanatory note: In some locations in the District, parking on the grass area of a road reserve is an accepted and commonly occurring activity. In areas where such parking occurs during the day, the parking of camping vehicles is also deemed generally acceptable. However, this is at Council's discretion and campers may be asked to move on in certain circumstances.*

### 7. Prohibited areas

- 7.1 All camping is prohibited in the areas identified in Schedule 1 of this Bylaw.

## 8. Restricted areas for self-contained vehicles

- 8.1** In the areas identified in Schedule 2 of this Bylaw, camping is restricted to a designated site or marked parking spaces and is subject to the following restrictions:
- a) camping is restricted to self-contained vehicles only
  - b) no person may camp for more than one night in any four-week consecutive period in any one area, or within 1 kilometre of any area they have previously camped in within that four-week period, unless otherwise provided for in the Schedule. The four consecutive weeks period begins on the date the camping commences from the first stay
  - c) all camping must comply with any additional restrictions as provided in Schedule 2
  - d) all camping is subject to the conditions listed in clause 6.4.
- 8.2** Council may, by resolution, change the location of a designated site within a restricted area, and record such changes on the maps to Schedule 2.

*Explanatory note: In some instances, a reserve or park may be upgraded or modified in a way that will necessitate relocation of the designated site within an area. The number and maximum length of camping vehicles possible will be limited by the size of each designated site. Signs and/or information will be provided on the maximum length of vehicles permissible at each site.*

## 9. Restricted areas for self-contained and non self-contained vehicles

- 9.1** In the areas identified in Schedule 3 of this Bylaw, camping is restricted to a designated site or marked parking spaces, and is subject to the following restrictions:
- a) camping is restricted to self-contained and non self-contained vehicles only
  - b) no person may camp for more than one night in any four-week consecutive period in any one area, or within 1 kilometre of any area they have previously camped in within that four-week period, unless otherwise provided for in the Schedule. The four consecutive weeks period begins on the date the camping commences from the first stay
  - c) all camping must comply with any additional restrictions as provided in Schedule 3
  - d) all camping is subject to the conditions listed in clause 6.4.
- 9.2** Council may by resolution change the location of a designated site within a restricted area, and record such changes on the maps to Schedule 3.

## 10. Restricted areas for all camping

- 10.1** In the areas identified in Schedule 4 of this Bylaw, camping is restricted to a designated site within an area and subject to the following restrictions:
- a) no person may camp for more than one night in any four-week consecutive period in any one area, or within 1 kilometre of any area they have previously camped in within that four-week period, unless otherwise provided for in the Schedule. The four consecutive weeks period begins on the date the camping commences from the first stay
  - b) all camping must comply with any additional restrictions as provided in Schedule 4
  - c) all camping is subject to the conditions listed in clause 6.4.

*Explanatory note: The areas listed in Schedule 4 allow for camping in self-contained and non self-contained vehicles, as well as tents. Any vehicle associated with a tent is subject to the same restrictions and requirements of Clause 6.*

- 10.2** Council may by resolution change the location of a designated site within a restricted area, and record such changes on the maps to Schedule 4.

## 11. Prior consent from Council

- 11.1** Consent may be sought from Council for ~~these~~ camping ~~activities~~ that ~~are~~ specifically provided for in Council's Reserve Management Plans. Consent must be applied for in writing to Council.
- 11.2** Consent may be sought from Council to allow camping in an area listed in Schedule 1. Any consent granted may be subject to such conditions as Council considers appropriate. Consent must be applied for in writing, providing sufficient detail about the proposed camping at least 20 working days in advance of the date planned for the camping ~~activity~~to commence.
- 11.3** Permission may be sought from Council to waive or modify camping restrictions in an area listed in Schedules 2,3, or 4 and/or the restrictions as set out in clause 6.4. Any consent granted may be subject to such conditions as Council considers appropriate. Consent must be applied for in writing, providing sufficient detail about the proposed camping, at least 20 working days in advance of the date planned for the camping ~~activity~~to commence.

## 12. Temporary ~~closures~~prohibitions or restrictions

- 12.1** Council may temporarily ~~close~~prohibit or restrict camping on any area or part of any area where a restriction is considered necessary by Council to:
- prevent damage to the area or facilities in the area
  - allow maintenance ~~to~~of the area or facilities ~~of~~in the area
  - protect the safety of persons or property
  - enable public access, including in circumstances where events are planned for ~~or occurring in~~ that area.
- 12.2** Where reasonably practicable, prior notice will be given of any temporary ~~closure~~ prohibition or restriction, and the length of that ~~closure prohibition or restriction~~, or its removal, in a manner appropriate to the circumstances.
- 12.3** A temporary ~~closure~~ prohibition or restriction ~~pursuant~~under to clause 12.1 shall not, ~~unless necessary to protect the safety of persons or property,~~ extend for more than 14 consecutive days, ~~however this does not limit Council's power to make a fresh prohibition or restriction under clause 12.1 for the same area where the prerequisites in that clause are satisfied, and shall not be repeated in respect of the area to which it applied, more than twice in any twelve-month period.~~

## Part 3 Enforcement, offences and penalties

### 13. Offences

- 13.1** ~~As specified~~Any person who camps in breach of clause 6, 7, 8, 9, 10 or 12 of this Bylaw commits an offence in ~~under~~ section 20 of the Act.

*Explanatory note: Section 20 of the Act provides for offences, including freedom camping in a local authority area in breach of any prohibition or restriction in a bylaw made under the Act. It also includes further offences such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer.*

### 14. Penalties

- 14.1** The penalties in section 23 of the Act apply to the offence of camping in breach of this Bylaw..

*Explanatory note: Camping in breach of a prohibition or restriction contained in this Bylaw is an infringement offence. The penalty is \$200 or any other amount prescribed in regulations. Section 22 of the Act sets out defences to a freedom camping offence. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.*

## Schedule 1: Prohibited areas

Area	Map Reference
<a href="#">Abbey Caves – new carpark</a>	<a href="#">S1-01A</a>
Bland Bay Reserve	<a href="#">S1-01B</a>
Drummond Park Scenic Reserve (Parihaka Lookout carpark)	S1-02
Eliott Reserve	<a href="#">S1-03A</a>
<a href="#">Finlayson Street/ Reyburn House Lane carpark</a>	<a href="#">S1-03B</a>
<a href="#">Helena Bay</a>	<a href="#">S1-03C</a>
Herekino Street - service lane and carpark behind 4-22 Herekino Street	S1-04
Hikurangi Sportspark	S1-05
Hora Hora Sportspark	S1-06
Kamo Sportspark	S1-07
Kensington Park	S1-08
Koropupu Community Sportspark (Springs Flat)	S1-09
Langs Beach - Cove Road beach access and carpark area	S1-10
Mander Park	S1-11
Marsden Point Wharf	S1-12
Matapouri - Morrison Road carpark	<a href="#">S1-13A</a>
<a href="#">McAuslin Road, Matapouri</a>	<a href="#">S1-13B</a>
McLeod Bay - playground and reserve Area	S1-14
McLeod Bay – Stuart Road, all road Reserve	S1-15
Morningside Sportspark	S1-16
Moureeses Bay	S1-17
Ngunguru School	S1-18
Onerahi Beach Reserve – between Cliff Street and Johnson Street	S1-19
<del>Onerahi Sportspark</del>	<del>S1-20</del>
<a href="#">One Tree Point Road layby</a>	<a href="#">S1-20</a>
Otaika Sportspark	<a href="#">S1-21A</a>
<a href="#">Otamure Bay</a>	<a href="#">S1-21B</a>
Otangarei No.1 Reserve	S1-22
Otangarei Sportspark	S1-23
Pātaua South	S1-24

Area	Map Reference
Port Road - service lane and carpark area behind 11-67 Port Road	S1-25
Portland Recreation Reserve	S1-26
Ruakākā - Princes Road Reserve	S1-27
Ruakākā Recreation Grounds	S1-28
Taiharuru	S1-29
Takahiwai Sportspark	S1-30
Teal Bay/Ngawai Bay - Teal Bay Recreation Reserve	S1-31
<del>Tikipunga Sportspark</del>	<del>S1-32</del>
Tutukākā Marina Reserve	S1-33
Urquharts bay	S1-34
Whananaki – Mangaiti Reserve	<a href="#">S1-35A</a>
<a href="#">Whangaumu Reserve - west (22 Whangaumu Street)</a>	<a href="#">S1-35B</a>
Whau Valley Dam	S1-36
William Fraser Memorial Park on Pohe Island	S1-37
Woolleys Bay – eastern carpark	S1-38

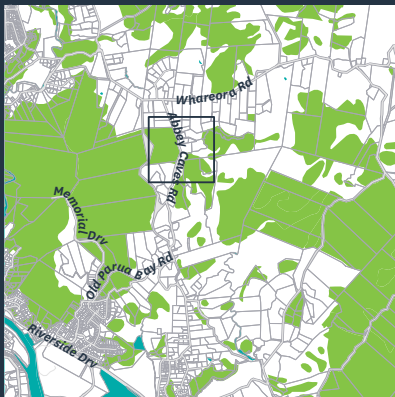
*Explanatory note: Organised camping activities at Kensington Park and William Fraser Memorial Park on Pohe Island in accordance with their respective Reserve Management Plans may be applied for in accordance with clause 11 of this Bylaw.*

## Prohibited areas – maps

### Abbey Caves – S1-01A



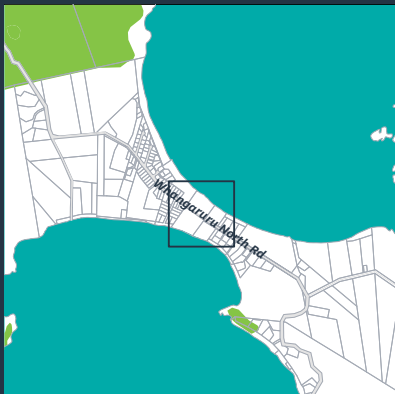
All camping prohibited



### Bland Bay Reserve – S1-01B



All camping prohibited



### Drummond Park Scenic Reserve (Parihaka Lookout carpark) – S1-02

 All camping prohibited



### Elliott Reserve – S1-03A

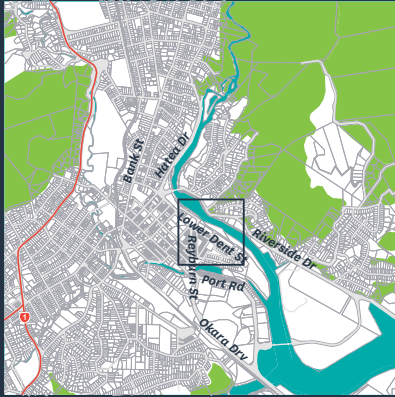
 All camping prohibited



### Finlayson Street/ Reyburn House Lane carpark – S1-03B



All camping prohibited



### Helena Bay – S1-03C

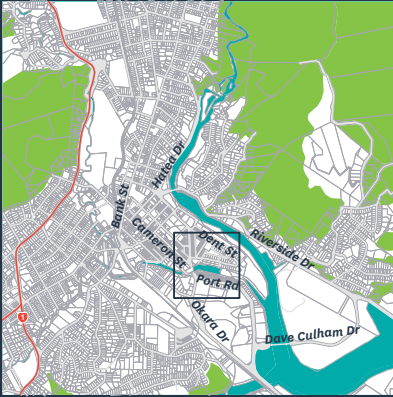


All camping prohibited



### Herekino Street – service lane and carpark behind 4-22 Herekino Street – S1-04

 All camping prohibited



### Hikurangi Sportspark – S1-05

 All camping prohibited



## Hora Hora Sportspark – S1-06

 All camping prohibited



## Kamo Sportspark – S1-07

 All camping prohibited



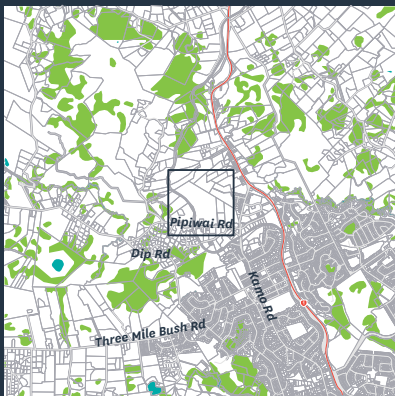
## Kensington Park – S1-08

 All camping prohibited



## Koropupu Community Sportspark (Springs Flat) – S1-09

 All camping prohibited



## Langs Beach – Cove Road beach access and carpark area – S1-10

 All camping prohibited



## Mander Park - S1-11

 All camping prohibited



## Marsden Point Wharf – S1-12

 All camping prohibited



## Matapōuri – Morrison Road carpark – S1-13A

 All camping prohibited



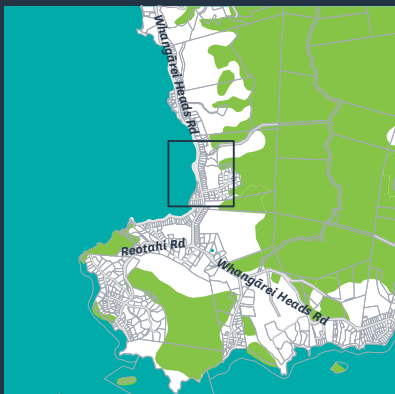
### McAuslin Road, Matapouri – S1-13B

 All camping prohibited



### McLeod Bay – playground and reserve area – S1-14

 All camping prohibited



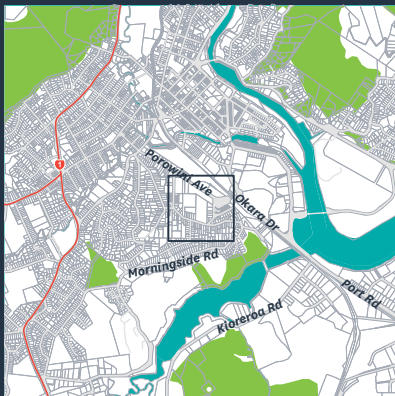
## McLeod Bay – Stuart Road, all road reserve – S1-15

 All camping prohibited



## Morningside Sportspark – S1-16

 All camping prohibited



### Moureeses Bay – S1-17

 All camping prohibited





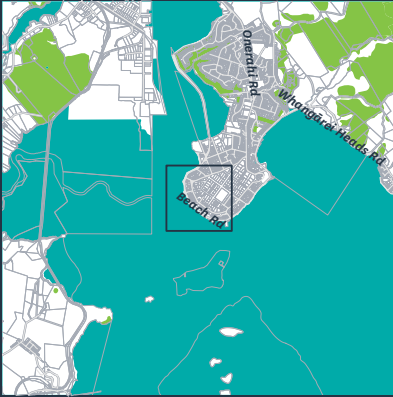
### Ngunguru School – S1-18

 All camping prohibited



### Onerahi Beach Reserve – between Cliff Street and Johnson Street – S1-19

-  All camping prohibited
-  Self-contained vehicles in designated site or marked parking spaces only



### Onerahi Sportspark – S1-20

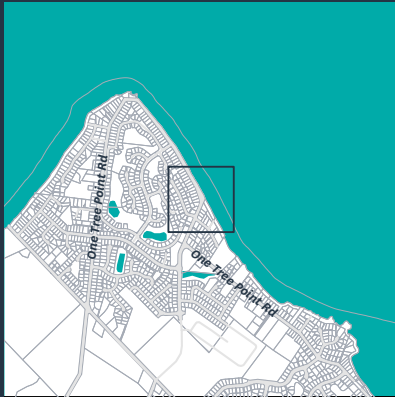
-  All camping prohibited



### One Tree Point layby – S1-20



All camping prohibited



### Otaika Sportspark – S1-21A



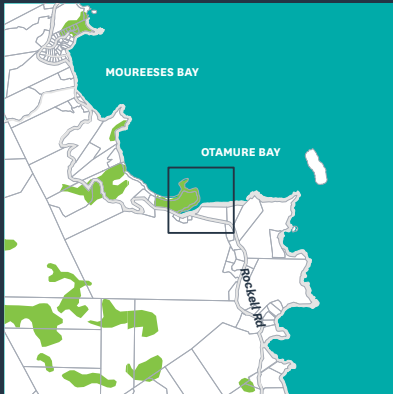
All camping prohibited



## Otamure Bay – S1-21B



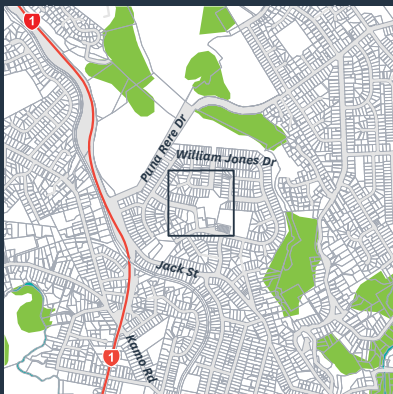
All camping prohibited



## Otangarei No.1 Reserve – S1-22



All camping prohibited



## Otangarei Sportspark – S1-23

 All camping prohibited



## Pātaua South – S1-24

 All camping prohibited



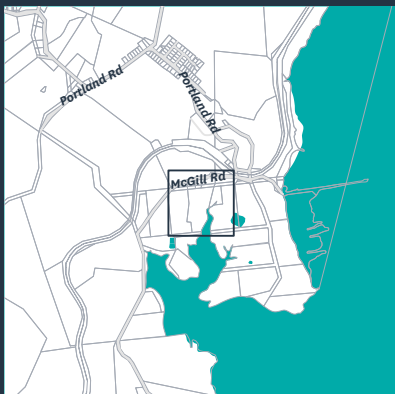
### Port Road – service lane and carpark area behind 11-67 Port Road – S1-25

○ All camping prohibited



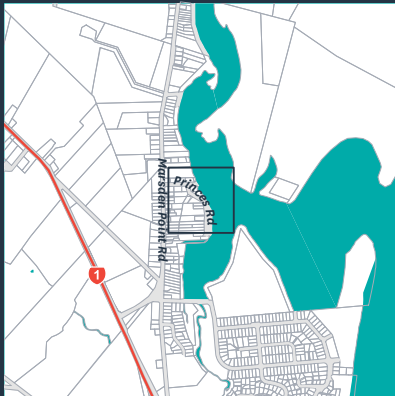
### Portland Recreation Reserve – S1-26

○ All camping prohibited



## Ruakākā – Princes Road Reserve – S1-27

 All camping prohibited




## Ruakākā Recreation Grounds – S1-28

 All camping prohibited



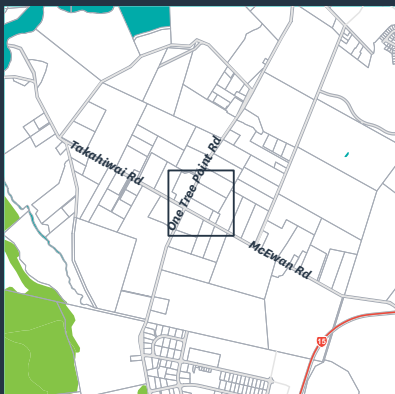
### Taiharuru – S1-29

 All camping prohibited



### Takahiwai Sportspark – S1-30

 All camping prohibited



## Teal Bay/Ngawai Bay – Teal Bay Recreation Reserve – S1-31

 All camping prohibited





## ~~Tikipunga Sportspark – S1-32~~

 All camping prohibited



## Tutukākā Marina Reserve – S1-33

-  All camping prohibited
-  The large carparking area further along from the Tutukākā Marina Reserve is under the control of the Marina Management Trust and the Trust prohibits all camping in that area, in accordance with the signage in place.



## Urquharts Bay – S1-34

-  All camping prohibited



## Whananaki – Mangaiti Reserve – S1-35A



All camping prohibited



## Whangaumu Reserve west (22 Whangaumu Street) – S1-35B



All camping prohibited



## Whau Valley Dam - S1-36

 All camping prohibited



## William Fraser Memorial Park on Pohe Island - S1-37

 All camping prohibited



## Woolleys Bay – eastern carpark – S1-38



All camping prohibited

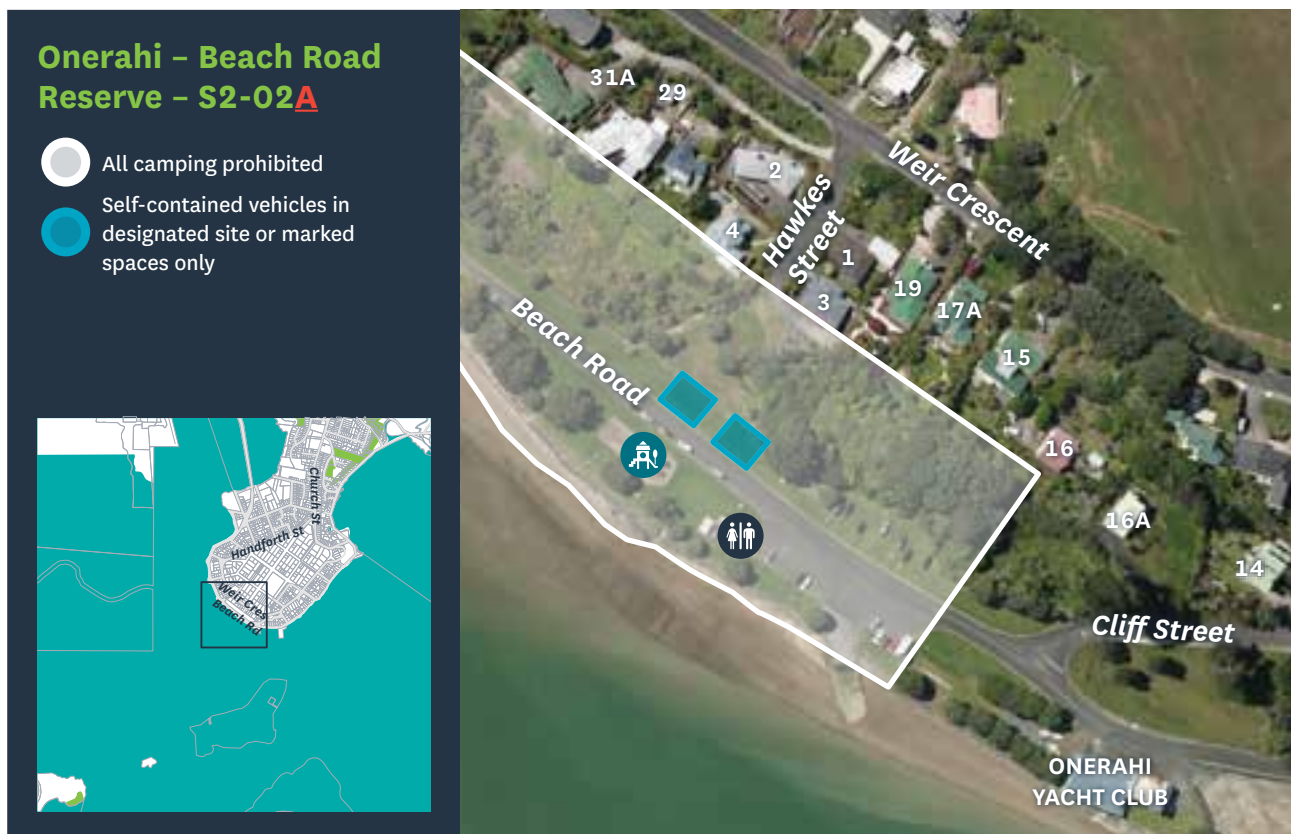


## Schedule 2: Restricted areas for self-contained vehicles

Camping is subject to the restrictions stated in the table.

Area	Restriction	Map Reference
<del>Finlayson Street/Royburn House Lane carpark</del>	<del>Restricted to the marked parking spaces as indicated on the referenced map. Parking permitted for a maximum of 3 nights.</del>	<del>S2-01</del>
Onerahi - Beach Road Reserve	Restricted to the designated site as indicated on the referenced map.	S2-02A
<u>Onerahi Sportspark</u>	<u>Restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.</u>	<u>S2-02B</u>
<u>Riverside/Hātea East Carpark</u>	<u>Restricted to the marked parking spaces as indicated on the referenced map.</u>	<u>S2-03A</u>
Ruakākā Beach Reserve	Restricted to the designated site as indicated on the referenced map.	S2-03B
<u>Ruakākā Riverside Reserve</u>	<u>Restricted to the designated site as indicated on the referenced map.</u>	<u>S2-03C</u>
<u>Tikipunga Sportspark</u>	<u>Restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.</u>	<u>S2-03D</u>
Whangārei Falls Scenic Reserve	Restricted to the marked parking spaces as indicated on the referenced map.	S2-04

## Restricted areas for self-contained vehicles - maps



## Onerahi Sportspark – S2-02B



All camping prohibited



Self-contained camping in designated site or marked parking spaces only

Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.



## Riverside/Hātea East Carpark – S2-03A



All camping prohibited





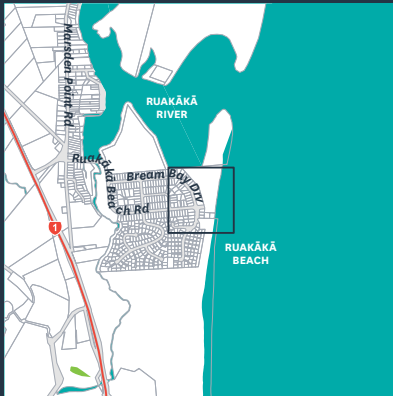
Self-contained camping in marked parking spaces only

Camping restricted to the hours between 6pm-8am. One night stay maximum. Parking rules apply after 8am.





## Ruakākā Beach Reserve - S2-03B

-  All camping prohibited
-  Self-contained vehicles in designated site or marked spaces only



## Ruakākā Riverside Reserve - S2-03C

-  All camping prohibited
-  Self-contained vehicles in designated site only



## Tikipunga Sportspark – S2-03D



All camping prohibited



Self-contained camping in designated site or marked parking spaces only

Camping restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day.



## Whangārei Falls Scenic Reserve – S2-04



All camping prohibited



Self-contained vehicles in designated site or marked spaces only





## Schedule 3: Restricted areas for self-contained and non self-contained vehicles

Camping is subject to the restrictions stated in the table.

Area	Additional Restrictions	Map Reference
AH Reed Memorial Park – Whareora Road carpark	Restricted to the designated site as indicated on the referenced map.	S3-01
Bascule carpark – Port Road	Restricted to the designated site as indicated on the referenced map. Parking permitted for a maximum of 3 nights.	S3-02
Kowharewa Bay	Restricted to the designated site as indicated on the referenced map. <a href="#">Camping restricted to outside the peak season (which runs from 18 December to 08 February).</a>	S3-03
Manaia walkway carpark	Restricted to the designated site as indicated on the referenced map.	S3-04
Marsden Bay Reserve	Restricted to the designated site as indicated on the referenced map.	S3-05
Matapouri – Wehiwehi Road carpark	Restricted to the designated site as indicated on the referenced map. <a href="#">Camping restricted to outside the peak season (which runs from 18 December to 08 February).</a>	S3-06
Ngunguru Library	Restricted to the designated site as indicated on the referenced map.	S3-07
Ocean Beach carpark	Restricted to the designated site as indicated on the referenced map.	S3-08
One Tree Point - boatramp carpark	Restricted to the designated site as indicated on the referenced map.	S3-09
Reotahi	Restricted to the designated site as indicated on the referenced map.	S3-10
Tarewa I-Site	Restricted to the designated site as indicated on the referenced map.	S3-11
Wellingtons Bay – main reserve (Whangaumu Reserve)	Restricted to the designated site as indicated on the referenced map. <a href="#">Camping restricted to outside the peak season (which runs from 18 December to 08 February).</a>	S3-12



## Restricted areas for self-contained and non self-contained vehicles - maps

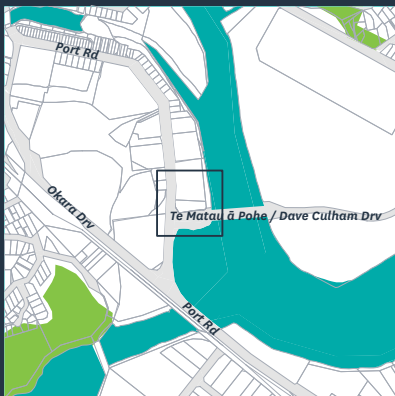
### AH Reed Memorial Park – Whareora Road carpark – S3-01

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





### Bascule carpark – Port Road – S3-02

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





### Kowharewa Bay – S3-03

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





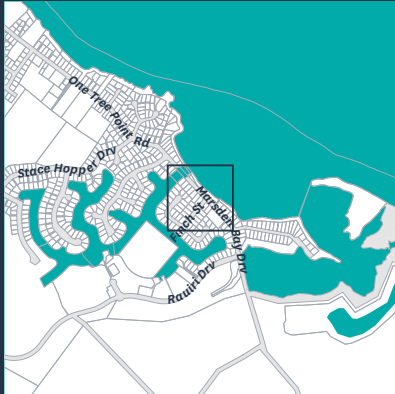
### Manaia walkway Carpark – S3-04

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





### Marsden Bay Reserve – S3-05

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





### Matapouri – Wehiwehi Road carpark – S3-06

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





## Ngunguru Library - S3-07

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only





## Ocean Beach carpark - S3-08

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked **parking** spaces only






## One Tree Point boatramp - S3-09

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked **parking** spaces only





## Reotahi - S3-10

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only
-  **Note: Camping regulated under the Reserves Act 1977.**





### Tarewa i-SITE – S3-11

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked **parking** spaces only



### Wellingtons Bay – main reserve (Whangaumu Reserve) – S3-12

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked **parking** spaces only







## Schedule 4: Restricted areas for all camping

Camping is subject to the restrictions stated in the table.

Area	Restriction	Map Reference
Parua Bay	<u>All camping restricted to a maximum of 3 nights, except where Council has determined, due to problems with overcrowding, there should be a 2-night maximum.</u>  <u>The permitted stay period will be indicated on a sign displayed in the area.</u>	S4-01
Sandy Bay - toilet block carpark/grass area	Restricted to the designated site as indicated on the referenced map. <u>Camping restricted to outside the peak season (which runs from 18 December to 08 February).</u>	S4-02
Tamaterau	Restricted to the designated site as indicated on the referenced map.	S4-03
Waipū Caves	Restricted to the designated site as indicated on the referenced map.	S4-04
Whananaki North	Restricted to the designated site as indicated on the referenced map.	S4-05
Woolleys Bay – western carpark	Restricted to the designated site as indicated on the referenced map. <u>Camping restricted to outside the peak season (which runs from 18 December to 08 February).</u>	S4-06



## Restricted areas for all camping - maps

### Parua Bay – S4-01

-  All camping prohibited
-  Self-contained vehicles in designated overflow site when ground conditions permit
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only
-  Tents permitted in designated site






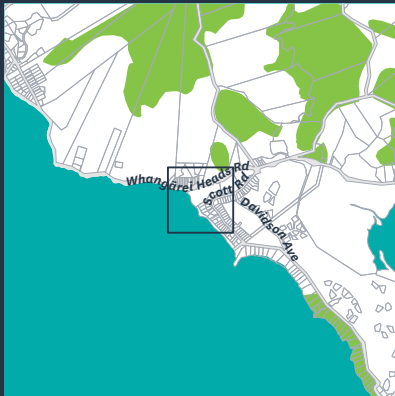
### Sandy Bay – toilet block carpark/grass area – S4-02

-  All camping prohibited
-  All camping permitted in designated site or marked parking spaces only





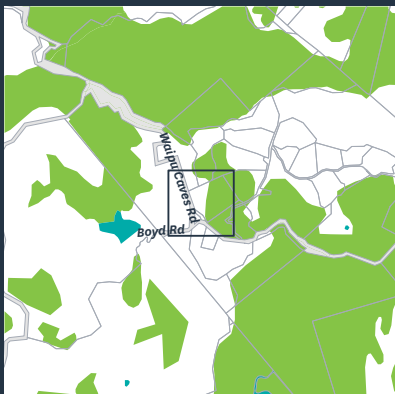
### Tamaterau – S4-03

-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only
-  Tents (maximum of 2) permitted in designated site






### Waipū Caves – S4-04

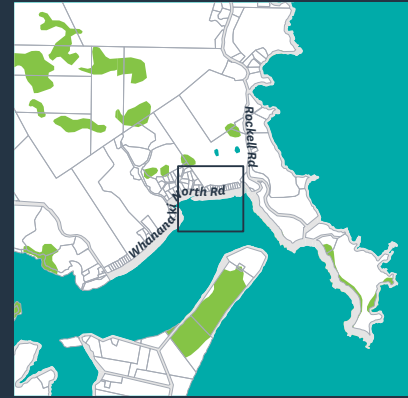
-  All camping prohibited
-  All camping permitted in designated site or marked parking spaces only





## Whananaki North – S4-05

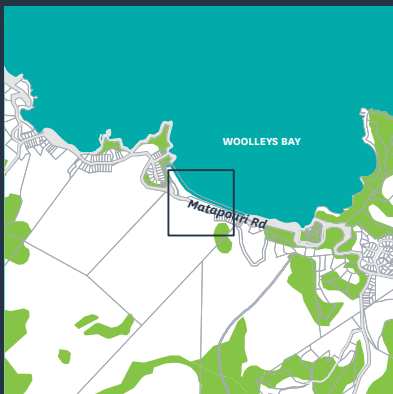
-  All camping prohibited
-  Self-contained and non self-contained vehicles in designated site or marked parking spaces only
-  Tents permitted in designated site

The carpark area is suitable for a maximum two large camping vehicles.



## Woolleys Bay – western carpark – S4-06

-  All camping prohibited
-  All camping permitted in designated site or marked parking spaces only



# Additional information to Camping in Public Places Bylaw 2017

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	Camping in Public Places Bylaw	28 September 2017	21 October 2017
Change locations of designated sites	Resolution to change locations of three designated sites	27 September 2018	1 November 2018

## Section 2: Related documents

Document	Description	Location	Date
<i>Reports to Council/Committee/Panels (note: does not contain references to 2016 process)</i>			
Camping in Public Places - Briefing	Review of process to date and discussion on a revised bylaw option	<a href="#">Council meetings webpage - link</a>	16/5/2017
Camping in Public Places - Briefing	Discussion of key options for inclusion in a draft bylaw	<a href="#">Council meetings webpage - link</a>	25/5/2017
Adoption of Statement of Proposal for proposed Camping in Public Places Bylaw	Statement of Proposal including draft Bylaw adoption for public consultation	<a href="#">Council meetings webpage - link</a>	29/6/2017
Hearing – proposed Camping in Public Places Bylaw consultation	Hearing for interested parties to share their views in person	<a href="#">Council meetings webpage - link</a>	2/8/2017
Proposed Camping in Public Places Bylaw – consultation feedback	Council Briefing to receive written submissions and a summary of all feedback received	<a href="#">Council meetings webpage - link</a>	15/8/2017
Deliberations – proposed Camping in Public Places Bylaw	Deliberations on submission issues raised	<a href="#">Council meetings webpage - link</a>	7/9/2017
Making of Bylaw	Council makes final Bylaw	<a href="#">Council meetings webpage - link</a>	28/9/2017

Document	Description	Location	Date
<i>Legislation</i>			
Freedom Camping Act	Provides the functions, duties powers and penalties to make and enforce this Bylaw.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>	NA
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>	NA
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>	NA

### Section 3: Delegations

Clause	Function, Duty, Power to be delegated	Delegated Authority	Delegation date	Delegation active date
11	Power to provide consent to allow for camping in prohibited or restricted areas or where camping is provided for in a Reserve Management Plan.	Technical Officer Parks	28 September 2017	21 October 2017
12	Power to temporarily close an area.	Parks and Recreation Manager	28 September 2017	21 October 2017

### Section 4: Enforcement powers

Legislative provision	Description
Freedom Camping Act 2011	<p>Section 20 (1) Every person commits an offence who:</p> <p>freedom camps in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or while freedom camping in a local authority area:</p> <ul style="list-style-type: none"> <li>• interferes with or damages the area, its flora or fauna, or any structure in the area; or</li> <li>• deposits waste in or on the area (other than into an appropriate waste receptacle); or</li> <li>• makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or</li> <li>• deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or</li> <li>• fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36</li> <li>• refuses to give information when required to do so by an enforcement officer under section 35 or gives false or misleading information.</li> </ul> <p>Section 20 (2) Every person commits an offence who:</p> <p>discharges a substance in or on a local authority area in circumstances where the discharge of the substance is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it:</p> <ul style="list-style-type: none"> <li>• has, or is likely to have, a significant adverse effect on the environment; or</li> <li>• has caused, or is likely to cause, significant concern to the community or users of the area or land.</li> </ul> <p>Section 20 (3) Every person commits an offence who:</p> <p>while an enforcement officer is carrying out his or her functions and duties under this Act:</p> <ul style="list-style-type: none"> <li>• intentionally prevents the officer from carrying out those functions and duties; or</li> <li>• obstructs or impedes the officer; or</li> <li>• assaults, threatens, or intimidates the officer; or</li> <li>• uses language that is abusive or threatening to the officer; or</li> <li>• behaves in a threatening manner towards the officer; or</li> <li>• incites any other person to do any act referred to in the list above.</li> </ul>

## Section 5: Offences and penalties

Provision	Description of offence	Maximum fine upon conviction	Infringement fee
Freedom Camping Act	An offence under section 20(1)	NA	\$200
Freedom Camping Act	An offence under section 20(2)	\$10,000	NA
Freedom Camping Act	An offence under section 20(3)	\$5,000	NA
Camping in Public Places Bylaw	Freedom camps, or prepares to freedom camp in an area in breach of any prohibition, restriction or condition in the clauses of the Bylaw	NA	\$200

## Section 6: Amendments to designated sites by Council resolution (Clauses 8.2, 9.2 and 10.2)

Area	Description of change	Date of resolution	Map Ref
Tamaterau	split of designated site to better accommodate tent camping	27/09/2018	S4-03
Whangārei I-site – Tarewa Road	relocation and slight reduction of site to southern boundary	27/09/2018	S3-11
Whananaki North	reduction of site size	27/09/2018	S4-05
Tamatarau Carpark	provide for formally marked spaces at the north site adjacent to the toilet block	22/10/2019	S4-03
One Tree Point Boatramp Carpark	designated area moved to the east of the carpark	22/10/2019	S3-09
Bascule Carpark	designate sites area moved from the north of the carpark to the south to reflect the new carpark upgrade layout	22/10/2019	S3-02



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Forum North Building, Rust Avenue, Whangārei

Ruakākā Service Centre, Takutai Place, Ruakākā

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[mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) | [www.wdc.govt.nz](http://www.wdc.govt.nz)

[Facebook.com/WhangareiDC](https://www.facebook.com/WhangareiDC)

*Review of Camping in Public  
Places Bylaw 2017*

***Summary of  
Information***



Whangarei District Council is reviewing the Camping in Public Places Bylaw which restricts or prohibits freedom camping activities in certain locations in the District.

We prepared a document called a 'Statement of Proposal' (SOP) which is a legal requirement when Council is proposing to make or amend a bylaw. The SOP sets out what the Council is proposing and the reasons for it. We do recommend you read the SOP in full to understand the context for the proposed bylaw amendments and what the amendments are. The SOP is available online or at our Council Offices.

This Summary of information outlines the proposed amendments to the Bylaw including the lists of locations where camping is to be prohibited or restricted in some way.

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

The closing date for submissions is 26 November 2020.

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

### ***Timeline for considering the proposed bylaw***

#### ***Submissions period:***

27 October-26 November

***Hearings:*** 8 December 2020

***Council deliberates on submissions and makes decisions on any changes to the draft Bylaw and/or proposed amendments:*** tentatively late December 2020 or February 2021

***Council adopts the final Camping in Public Places Bylaw and the associated amendment to the Public Places Bylaw:*** early 2021

***Bylaw and amendments come into force:*** mid to late 2021

### ***How to give us your feedback***

There are several ways you can tell us what you think. You can submit in writing, or online, and you can talk to Councillors at the formal hearing. Go to our public consultations page at [www.wdc.govt.nz](http://www.wdc.govt.nz) for more information.

#### ***Written submissions***

You can provide us with a written submission via email or online, or you can fill in the submission form attached to this document.

- Email us: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz) with 'camping in public places' in the subject line
- Submit online: [www.wdc.govt.nz](http://www.wdc.govt.nz)
- Post the paper form to Council, Private Bag 9023, Whangārei 0148, or deliver to one of our customer service centres at Forum North or Takutai Place, Ruakākā.

#### ***Hearing***

We will hold a formal hearing meeting. This is an option if you are happy to address the full Council and answer any questions Councillors may have in Council Chambers.

The Hearing will be held on 8 December 2020. We will advise a time for you to attend closer to the date.

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

### ***What will happen with your feedback?***

All feedback received will be summarised and reported back to Council to support their deliberations on the proposal. They will receive copies of all written submissions and summaries of what people said during the Hearing.

## Introduction

Camping in public places that are not campgrounds is generally known as ‘freedom camping’. It is a popular summer pastime across New Zealand and an opportunity for an affordable holiday for both domestic and international visitors.

Freedom camping is governed by the Freedom Camping Act 2011 (FCA). The Act restricts what Council can and can’t control in relation to freedom camping. Under the Act Council is not able to completely ban ALL freedom camping, and we can only control activity that occurs on Council land. In 2017 Council adopted the Camping in Public Places Bylaw to provide controls around freedom camping and support responsible camping.

Since the Bylaw was first made in 2017 the number of recorded freedom camping vehicles in Whangārei District has doubled. Increased visitor pressure has led to difficulties maintaining balanced public access to our key coastal destinations. Council received numerous complaints about campers overstaying, blocking access and inappropriate disposal of waste.

To address complex issues around freedom camping Council has decided to bring the bylaw review forward from a scheduled review in 2022 in order to address complex issues associated with freedom camping that have arisen since the bylaw was first adopted in 2017.

## Key elements of our proposal

As a result of the review of the Camping in Public Places Bylaw, Council considers that the bylaw should be amended.

The proposed amendments include:

- Including additional provisions related to enforcement and to health and safety
- Introduction of some seasonal restrictions on freedom camping at high-use destination beaches to protect public access
- Providing overflow freedom camping sites for peak Christmas season
- Further regulation and restriction of areas that have experienced pressure from freedom camping
- Providing some additional capacity for freedom camping at suitable locations

Council is also proposing to make some minor wording changes of a ‘tidy up’ nature, to clarify or improve the drafting of the Bylaw.

As a related matter, Council considers that the Public Places Bylaw should also be amended to provide clarity around the use of public places for temporary accommodation. Please see the section “Amendment to Public Places Bylaw” in the Statement of Proposal.

## What do we want to know?

We would like your feedback on the proposed amended Camping in Public Places Bylaw, and the proposed amendment to the Public Places Bylaw.

What we want specific feedback on is the following:

- Are there any areas which should be added to the prohibited and/or restricted areas? If yes, which ones and why should these be included?
- Should Council impose seasonal restrictions on freedom camping at all, some, or none of the proposed key destination beaches, as listed in the proposal?
- Should Council designate peak-season overflow freedom camping sites at specified Sportsparks as described in the proposal?
- We also want to know if you agree or disagree with anything else in the proposal, both generally or for specific areas.

In giving your feedback please be aware that under the Freedom Camping Act 2011:

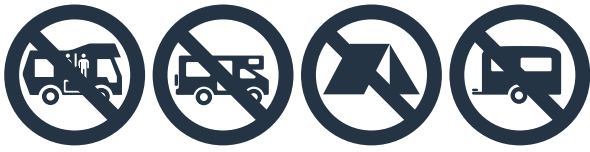
Council cannot ban ALL camping in the District. The legislation specifically prohibits this.

Council does not have the power to restrict or prohibit freedom camping for the purpose of protecting commercial campgrounds from competition.

Please note, this consultation relates to the proposed (amended) Camping in Public Places Bylaw as a whole, and not just the amendments. Your submission can comment on any part of the proposed amended Camping in Public Places Bylaw.

## Amended areas with site specific rules on camping

### Schedule 1: Prohibited areas



- Abbey Caves
- Bland Bay Reserve
- Drummond Park Scenic Reserve (Parihaka Lookout carpark)
- Elliott Reserve
- Finlayson Street/ Reyburn House Lane carpark
- Helena Bay
- Herekino Street - service lane and carpark behind 4-22 Herekino Street
- Hikurangi Sportspark
- Hora Hora Sportspark
- Kamo Sportspark
- Kensington Park
- Koropupu Community Sportspark (Springs Flat)
- Langs Beach - Cove Road beach access and carpark area
- Mander Park
- Marsden Point Wharf
- Matapōuri - Morrison Road carpark
- McAuslin Road, Matapōuri
- McLeod Bay - playground and reserve area
- McLeod Bay – Stuart Road, all road reserve
- Morningside Sportspark
- Moureeses Bay
- Ngunguru School
- One Tree Point Road layby
- Onerahi Beach Reserve – between Cliff Street and Johnson Street
- Onerahi Sportspark
- Otaika Sportspark
- Otamure Bay
- Otangarei No.1 Reserve
- Otangarei Sportspark
- Pātāua South
- Pohe Island
- Port Road - service lane and carpark area behind 11-67 Port Road
- Portland Recreation Reserve
- Recreation Reserve
- Ruakākā - Princes Road Reserve
- Ruakākā Recreation Grounds
- Taiharuru
- Takahiwai Sportspark
- Teal Bay/Ngawai Bay - Teal Bay
- Tikipunga Sportspark
- Tutukākā Marina Reserve
- Urquharts bay
- Whananaki – Mangaiti Reserve
- Whangaumu Reserve - west (22 Whangaumu Street)
- Whau Valley Dam
- William Fraser Memorial Park on
- Woolleys Bay – eastern carpark

\* Organised camping activities at Kensington Park and William Fraser Memorial Park on Pohe Island in accordance with their respective Reserve Management Plans may be applied for in accordance with clause 11 of this Bylaw.

### ***Schedule 2: Restricted areas for self-contained vehicles***



- Onerahi - Beach Road Reserve
- Onerahi Sportspark
- Riverside/Hātea East Carpark
- Ruakākā Beach Reserve
- Ruakākā Riverside Reserve
- Tikipunga Sportspark
- Whangārei Falls Scenic Reserve

\* For Onerahi Sportspark and Tikipunga Sportspark camping is restricted to times when Sportspark is not being used for sporting activities from 18 December up until Northland/Auckland Anniversary Day..

### ***Schedule 4: Restricted areas for all camping***



- Parua Bay
- Sandy Bay - toilet block
- carpark/grass area
- Tamaterau
- Waipū Caves
- Whananaki North
- Woolleys Bay – western carpark

\* For Sandy Bay and Woolleys Bay camping is restricted to outside peak season (which runs from 18 December to 08 February).

### ***Schedule 3: Restricted areas for self-contained and non self-contained vehicles***



- AH Reed Memorial Park – Whareora Road carpark
- Bascule carpark – Port Road
- Kowharewa Bay
- Manaia walkway carpark
- Marsden Bay Reserve
- Matapōuri – Wehiwehi Road carpark
- Ngunguru Library
- Ocean Beach carpark
- One Tree Point - boatramp carpark
- Reotahi
- Tarewa I-Site
- Wellingtons Bay – main reserve (Whangaumu Reserve)

\* For Kowharewa Bay and Matapōuri – Wehiwehi Road carpark camping is restricted to outside peak season (which runs from 18 December to 08 February).





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[Facebook.com/WhangareiDC](https://www.facebook.com/WhangareiDC)

## 7.3 Local Government Funding Agency – 2020 Annual Meeting Matters

**Meeting:** Whangarei District Council  
**Date of meeting:** 22 October 2020  
**Reporting officer:** Alan Adcock (General Manager – Corporate/CFO)

### 1 Purpose

To establish Council's position on the matters being put forward for consideration at the Local Government Funding Agency (LGFA) Annual Meeting (AM) on 19 November 2020.

### 2 Recommendations

That the Council:

1. Notes the Local Government Funding Agency has advised that its Annual Meeting will be held on 19 November 2020 in Wellington.
2. Appoints General Manager Corporate/CFO Alan Adcock to attend the Annual Meeting as the shareholder representative for Whangarei District Council.
3. Should Alan Adcock be unable to attend the meeting, appoints Craig Stobo, Local Government Funding Agency Chair, as Council's proxy in his place.
4. Agrees that the proxy or alternate votes in favour of the following proposals which require ordinary shareholder resolutions:
  - a. Philip Cory-Wright is re-appointed to the Local Government Funding Agency's board as an independent director;
  - b. Mike Timmer is re-appointed to the Local Government Funding Agency's board as a non-independent director
  - c. Wellington City Council is re-elected to the Shareholders' Council;
  - d. Tasman District Council is re-elected to the Shareholders' Council
  - e. Changes to the Local Government Funding Agency Foundation Policies.

### 3 Background

The LGFA is a Council-controlled organisation (CCO), owned 11.1% by the Government and 88.9% by 30 local authorities. Whangarei District Council has an ownership stake of 3.3 %.

The LGFA was established to provide councils with improved access to cost-effective long-term debt. It is a registered financial institution regulated by the Reserve Bank. Total loans made to local government total \$11 billion. Together, Auckland Council and Christchurch City Council have approximately 43% of the LGFA's issued debt, with the remainder shared between the other councils.

### **LGFA Board Composition**

The LGFA's Shareholder's Agreement (SHA) provides that the board may comprise between four and seven directors, a majority of whom must be independent. Since inception in 2011, the board has had six directors, one of which was non-independent (aside from one very short period due to a time lag between the retirement of a director and the appointment of a replacement). The SHA provides that in each year, the longest serving independent director, and the longest serving non-independent director must retire from the board, but may offer themselves for re-election.

Current board members are:

- Craig Stobo (Chair) who was initially appointed in 2011 and was re-appointed in 2017
- Philip Cory-Wright who was initially appointed in 2011 and re-appointed in 2016
- Anthony Quirk who was appointed 2017
- John Avery who was initially appointed in 2011 and re-appointed in 2018
- Linda Robertson who was initially appointed 2015 and re-appointed in 2019, and
- Mike Timmer (initially appointed in 2015 and re-appointed each subsequent year as the only Non-Independent Director).

Philip Cory Wright and Mike Timmer are retiring from the Board this year and are seeking re-election.

There has been a further nomination for the Non-Independent Director role; being Wayne Maxwell, CEO of Kapiti Coast District Council.

### **LGFA Shareholders' Council Composition**

Shareholder oversight is provided through a Shareholders' Council (SC). The members are Auckland Council, Christchurch City Council, Hamilton City Council, Bay of Plenty Regional Council, Greater Wellington Regional Council, Tasman District Council, Tauranga City Council, Wellington City Council, Western Bay of Plenty District Council and Whangarei District Council as well as the NZ Government (with oversight through the Ministers of Local Government and Finance).

This year Wellington City Council and Tasman District Council retire from the SC by rotation and are seeking re-election.

There has been a further nomination from New Plymouth District Council, meaning there will be a contest for the two vacant spots.

## **4 Discussion**

Shareholders are entitled to attend and vote at the AM, with a proxy form for voting to be sent to LGFA at least 48 hours prior to the AM.

The following matters are being considered at the AM:

- To receive and consider the financial statements for the year ended 30 June 2020
- Election of Independent Director
- Election of Non-Independent Director
- Election of Nominating Local Authorities to Shareholders' Council
- Changes to LGFA's Foundation Documents.

Attachment 1 is the Local Government Agency Limited 'Notice of Annual Meeting', which includes Explanatory Notes. The associated 'Proxy Form' is at Attachment 2, with the marked-up changes to the Foundation Policies at Attachment 3.

The SHA provides that the role of the SC is to advise shareholders on certain matters, and that it shall:

- review and report to shareholders periodically on the performance of the company and the board;
- make recommendations on the appointment, removal, re-election, replacement and remuneration of directors; and
- make recommendations to shareholders on, and endeavour to ensure that shareholders are fully informed on matters concerning the company.

The SC has considered the matters listed above and has written to Shareholders (Attachment 4). It should be noted that this letter has been sent by Alan Adcock as the SC Chair and represents the collective views of the SC.

It is recommended that Council follows the recommendations of the SC on all matters.

### **Nominating Local Authorities – Shareholders' Council members**

However, the SC has abstained on one matter due to a conflict of interest; the appointment of Nominating Local Authorities (the members of the SC). Council will have to make its own determination on this matter.

Both the retiring incumbent councils, Wellington City Council and Tasman District Council, have been Nominating Local Authorities since the LGFA's inception, with their current appointees being active participants of the SC.

As noted in the SC's recommendation regarding Director appointments, given the uncertainty and volatility in financial markets forecast over the next year, there is a strong case for continuity in LGFA's operations. Accordingly, staff recommend that the status quo prevails i.e. Wellington and Tasman are re-elected.

## **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.

## **6 Attachments**

1. LGFA – Notice of Annual Meeting
2. LGFA – AM Proxy Form
3. Marked up LGFA Foundation Policies
4. Letter – Shareholders' Council Recommendations



**NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY LIMITED  
NOTICE OF ANNUAL MEETING**

Notice is given that the 2020 annual meeting of shareholders of New Zealand Local Government Funding Agency Limited ("**Company**" or "**LGFA**") will be held at the **Bolton Hotel, 12 Bolton Street, Wellington** on **19 November 2020** commencing at **2:00pm**.

**BUSINESS**

1. **FINANCIAL STATEMENTS AND REPORTS:** To receive and consider the financial statements of the Company for the year ended 30 June 2020 together with the directors' and auditor's reports to shareholders.

2. **ELECTION OF DIRECTORS**

In accordance with clause 3.3 of the SHA, **Philip Cory-Wright** retires by rotation and, being eligible, offers himself for re-election as an Independent Director.

In accordance with clause 3.3 of the SHA, **Michael Timmer** retires by rotation and, being eligible, offers himself for re-election as a non-Independent Director.

In accordance with clause 3.5 of the SHA, **Wayne Maxwell** has been nominated by **Kapiti District Council** to the non-Independent director position made available by the retirement by rotation of Mike Timmer.

Accordingly, to:

- (a) Re-elect Philip Cory-Wright as an Independent Director of the Company, by way of Ordinary Resolution;
- (b) Re-elect or elect (as appropriate) as a non-Independent Director of the Company, by the way of Ordinary Resolution, either:
  - (i) **Michael Timmer**; or
  - (ii) **Wayne Maxwell**.

(See Explanatory Note 2)

3. **ELECTION OF NOMINATING LOCAL AUTHORITIES**

In accordance with clause 4.6 of the SHA, **Tasman District Council** and **Wellington City Council** retire by rotation. **Tasman District Council** and **Wellington City Council** being eligible, offer themselves for re-election.

In accordance with clause 4.8 of the SHA, **New Plymouth District Council** has notified LGFA that it wishes to seek election as a Nominating Local Authority to the Shareholders' Council.

Accordingly, to re-elect or elect (as appropriate) as a Nominating Local Authority, by way of Ordinary Resolution, two of either:

- (a) **Tasman District Council** as a Nominating Local Authority;
- (b) **Wellington City Council** as a Nominating Local Authority; or
- (c) **New Plymouth District Council** as a Nominating Local Authority.

(See Explanatory Note 3)

4. **CHANGES TO FOUNDATION POLICIES**

In accordance with clause 5.1(c) of the SHA, to approve, by way of Ordinary Resolution, the amendments to the foundation policies of the Company ("**Foundation Policies**") as explained in Explanatory Note 4.

5. **GENERAL BUSINESS**

To consider such other business as may properly be raised at the meeting.

Please refer to the explanatory notes that accompany this notice of meeting.

By order of the board:



**Craig Stobo, Chairman**

18 September 2020

**ORDINARY RESOLUTIONS:** *Ordinary resolutions are resolutions approved by a simple majority of more than 50% of the votes of the shareholders entitled to vote and voting at the annual meeting.*

**SHAREHOLDERS ENTITLED TO ATTEND AND VOTE:** *Pursuant to section 125 of the Companies Act 1993, for the purposes of voting at the annual meeting, those registered shareholders of the Company as at 9.00am on Thursday 19 November 2020 shall be entitled to exercise the right to vote at the meeting.*

**CAPITALISED TERMS:** *Unless otherwise defined in this notice, capitalised terms have the meanings given to them in the Shareholders' Agreement dated 7 December 2011 (as amended and restated on 6 July 2020) ("SHA").*

## EXPLANATORY NOTES

### EXPLANATORY NOTE 1 - PROXY VOTE

A shareholder entitled to attend and vote at the meeting is entitled to appoint a proxy to attend and vote instead of the shareholder. The proxy need not be a shareholder. To be effective, a copy of the proxy form must be received by the Company at **Level 8, City Chambers, 142 Featherston Street, Wellington 6145** not later than 48 hours before the start of the meeting.

A corporation may appoint a person to attend the meeting as its representative in the same manner as that in which it could appoint a proxy.

### EXPLANATORY NOTE 2 - ELECTION OF DIRECTORS

The SHA provides that, beginning at, and including, the annual meeting for 2013, two Directors comprising one Director who is an Independent Director and one Director who is not an Independent Director shall retire from office at the annual meeting of the Company in each year. The Directors to retire shall be that Independent Director, and that Director who is not an Independent Director, who have been longest in office since their last election. If two or more relevant Directors were last elected on the same day, the Directors to retire shall (unless they otherwise agree among themselves) be determined by lot. A retiring Director is eligible for re-election.

In this case, **Philip Cory-Wright** (being an Independent Director) who has been longest in office since being elected on 24 November 2016 (Craig Stobo having been re-elected on 21 November 2017, Anthony Quirk having been elected on 21 November 2017, John Avery having been re-elected on 21 November 2018 and Linda Robertson having been re-elected on 21 November 2019) and **Michael Timmer** (being the only Director who is not an Independent Director) shall retire by rotation at this annual meeting. **Philip Cory-Wright** and **Michael Timmer**, being eligible, offer themselves for re-election.

**Wayne Maxwell** the current Chief Executive of Kapiti District Council has been nominated by Kapiti District Council for the non-Independent Director position.

In accordance with the Ordinary Resolution passed by shareholders at the annual meeting for 2017, the size of the Board is set at six Directors, comprising five Independent Directors and one non-Independent Director. In order to comply with the restriction of only having one non-Independent Director, only one of Michael Timmer or Wayne Maxwell may be elected as a Director.

**The following biographies have been provided by the candidates:**

#### **Philip Cory-Wright Biography**

Philip Cory-Wright is a professional company director with over 20 years' experience. He is a Chartered Fellow of the Institute of Directors and a qualified lawyer, having worked at Belle Gully. Philip then worked in corporate finance for over 25 years for Southpac, Macquarie Bank and then on his own account. Currently he is director of three council-controlled companies. Philip has specialised in infrastructure and energy businesses. He was a member of the Local Government Infrastructure Expert Advisory Group.

His current directorships are Papa Rererangi I Puketapu (New Plymouth Airport) which he chairs, Southport NZ, Matariki Forests, Powerco and LGFA. He is on the Audit Committee of Southport and LGFA and the Treasury Committee of Powerco.

#### **Michael Timmer Biography**

Mike's biography is attached as a separate document to this notice of meeting.

#### **Wayne Maxwell Biography**

The letter of nomination from Kapiti District Council and Wayne's biography are attached as separate documents to this notice of meeting.

### EXPLANATORY NOTE 3 - ELECTION OF NOMINATING LOCAL AUTHORITIES

The SHA provides that a Principal Shareholder may be appointed or removed as a nominator to the Shareholders' Council ("**Nominating Local Authority**") at any time by an Ordinary Resolution, provided that no more than nine Nominating Local Authorities may be so appointed. Each Nominating Local Authority, and the New Zealand Government (for so long as it is a shareholder), may appoint one member of the Shareholders' Council, and remove and replace any member so appointed, in accordance with clause 4.4 of the SHA.

The SHA provides that, beginning at, and including, the annual meeting for 2013, the shareholders shall ensure that two Nominating Local Authorities retire from office at the annual meeting of the Company in each year. The Nominating Local Authorities to retire shall be those who have been longest in office since their last election, and if two or more of those Nominating Local Authorities were last elected on the same day, the Nominating Local Authority to retire shall (unless they otherwise agree among themselves) be determined by lot. A retiring Nominating Local Authority is eligible for re-election.

In this case, Tasman District Council having been re-elected as a Nominating Local Authority on 24 November 2015 and Wellington City Council having been re-elected as a Nominating Local Authority on 24 November 2016, are the Nominating Local Authorities who have been longest in office since their last election (Christchurch City Council having been elected as a Nominating Local Authority on 24 November 2016, Whangarei District Council having been re-elected as a Nominating Local Authority on 21 November 2017, Bay of Plenty Regional Council having been re-elected as a Nominating Local Authority on 21 November 2017, Hamilton City Council having been re-elected as a Nominating Local Authority on 21 November 2018, Tauranga City Council having been re-elected as a Nominating Local Authority on 21 November 2018, Western Bay of Plenty District Council having been re-elected on 21 November 2019 and Auckland Council having been re-elected on 21 November 2019). Accordingly, being the longest in office since their last election, **Tasman District Council** and **Wellington City Council** shall retire by rotation at this annual meeting.

The Shareholders' Council is comprised of between five and ten members. The New Zealand Government can appoint a member and the remaining members are nominated by up to nine Nominating Local Authorities. Following the retirement of **Tasman District Council** and **Wellington City Council** there are currently two positions available.

**Tasman District Council** offer themselves for re-election as a Nominating Local Authority.

**Wellington City Council** offer themselves for re-election as a Nominating Local Authority.

**New Plymouth District Council** offer themselves for election as a Nominating Local Authority.

### EXPLANATORY NOTE 4 – CHANGES TO FOUNDATION POLICIES

This resolution seeks shareholders' approval for amendments to the Foundation Policies of the Company.

The Foundation Policies of the Company are set out in schedule 1 to the SHA. Clause 5.1(c) of the SHA provides that neither the Board nor any shareholder shall take or permit any action to cause any alteration to any of the Company's Foundation Policies unless it is approved by Ordinary Resolution of the Company's shareholders (or, if required by law, a Special Resolution).

The proposed changes to the Foundation Policies requiring shareholder approval by Ordinary Resolution relate to:

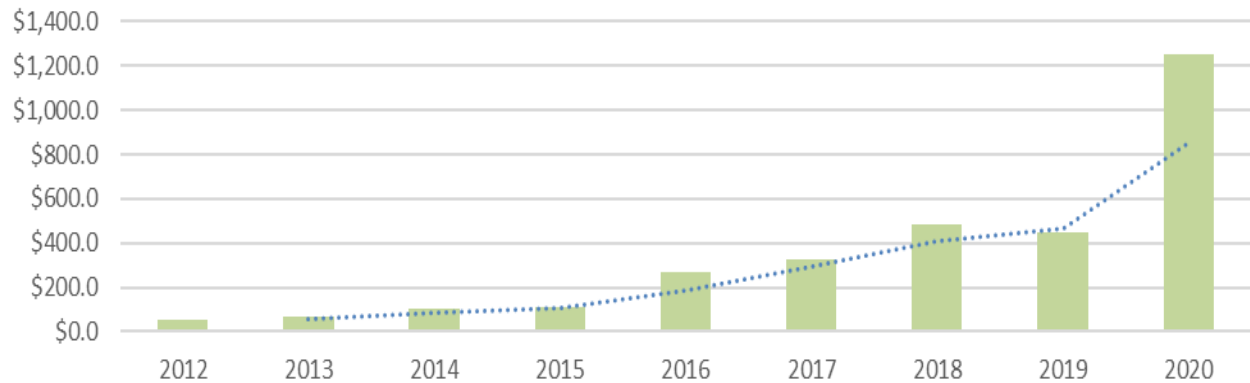
1. an increase in the size of the liquid assets held on the LGFA balance sheet, requiring greater Treasury Policy limits; and
2. removing a limit on a council's loans maturing in a rolling 12-month period.

#### **Adjustments required to recognise growth in liquid assets**

LGFA holds a liquid assets portfolio ("**LAP**") of fixed income investments that can be used to meet short term liquidity requirements such as timing mismatches between loans made to councils and bonds issued by LGFA to finance those loans.

As the LGFA balance sheet has grown rapidly, then so has the need for a larger LAP. As the LAP grows it is important to have as much flexibility as possible both in the range of investments held and the term to maturity of these investments.

### Liquid Assets Portfolio (NZ\$ millions)



As at 25 August 2020, the LAP composition was weighted towards holdings of securities issued by, or deposits with the NZ Government (30.6%) and domestic banks (46.5%). Extending the term of Non-Government instruments from the current 3 years to 5 years will allow for greater diversification with a larger investable universe of high-grade bonds in the 3-year to 5-year term. Most primary issuance by issuers are for terms beyond 3 years so LGFA is currently restricted to secondary market purchases.

Cash at RBNZ	NZ Govt Bonds	NZ Govt Treasury Bills	SSA Kauri Bonds	Corporate Bonds	Commercial Paper	Bank Bonds	Bank RCDs	Bank Term Deposits	Cash Management Deposits
22.2%	3.9%	4.5%	16.6%	3.0%	3.2%	6.6%	0.7%	27.5%	11.7%

As the issuance term of LGFA bonds has lengthened, there is an increasing maturity bucket mismatch (and hence increased risk) between our average issuance term and the use of bond issuance proceeds (LAP and council loans). We are currently funding most of the LAP from LGFA bond issuance as our LGFA bonds on issue exceed council loans by approximately \$1 billion. While this overfunding may reduce over time, we are funding the LAP conservatively e.g. the average term to maturity of LGFA bond issuance is approx. 5.1 years while the average term to maturity of the LGFA loan book to councils is 4.3 years and the average term to maturity of the LAP is approx. 0.74 years.

Extending the current 3-year term of the Non-Government holdings in the LAP to a term of 5 years will reduce some of that term risk while enhancing yield. Currently the only instrument that can be held in the LAP with a term greater than 3 years are New Zealand Government Bonds. Extending the term will allow the LAP to hold more high-grade bonds e.g. Kauris, Transpower and Housing NZ who will typically issue in the 5-year tenor.

The additional credit risk incurred by lengthening the maximum term to maturity of Non-Government investments from 3 years to 5 years is minimal using S&P Global Ratings default methodology.

Given that LGFA is currently issuing bonds with an average term longer than council on-lending, and is in a positive yield curve environment, the restriction on Non-Government holdings is a drag on profitability. Having the ability to invest in longer dated liquid assets reduces that cost.

The LAP is currently restricted to holding 'A1' or 'A1+' rated commercial paper ("CP"). Adding a small amount of 'A2' rated short term CP with a maturity date less than 365 days is also beneficial from a portfolio diversification and yield pickup perspective, without incurring much additional risk. 'A1' rated CP is currently trading between flat to 8 bps over BKBM, while 'A2' rated CP trades between 15 bps and 35

bps over BKBM, which is an attractive yield pickup given that BKBM is now 0.28%. 'A2' rated CP issuers are energy sector borrowers, Fonterra and infrastructure companies such as ports and airports.

**Removing the limit on the maximum amount a council can borrow from LGFA that matures in a 12-month period**

This change is proposed for the following reasons:

- The limit is no longer relevant to LGFA. The limit was relevant in the establishment phase of LGFA as it was designed to ensure there was minimal risk to LGFA if a council borrower could not repay its loans, given the LGFA bonds were "back to back" with council loans. That is no longer the case as the LGFA loan book is well diversified across sixty-seven councils and a range of maturities, and there is a substantial LAP to ensure that LGFA is not reliant upon a single council being able to refinance its loans. The New Zealand Debt Management facility and treasury stock available for repo has also reduced LGFA's reliance upon councils repaying on time.
- The limit is better suited in the individual council's Treasury Policy e.g. a council could be within the LGFA limit but may be borrowing an equal amount through other sources in the same 12-month bucket. In that situation we would find it difficult to monitor and to enforce such a limit.

## PROXY FORM



I/We \_\_\_\_\_

of \_\_\_\_\_

being a shareholder of New Zealand Local Government Funding Agency Limited ("**Company**") appoint

of \_\_\_\_\_ or failing him/her \_\_\_\_\_

of \_\_\_\_\_ as my/our proxy to vote for me/us at the annual meeting of the Company to be held on 19 November 2020 and at any adjournment thereof.

If you wish to direct the proxy how to vote, please indicate with a ☒ in the appropriate box below. Unless otherwise instructed, the proxy will vote as he or she thinks.

		For	Against
<b>1(a)</b>	To re-elect <b>Philip Cory-Wright</b> as an Independent Director of the Company	<input type="checkbox"/>	<input type="checkbox"/>

		Michael Timmer	OR	Wayne Maxwell
<b>1(b)</b>	To re-elect or elect (as appropriate) <b>Michael Timmer</b> or <b>Wayne Maxwell</b> as a non-Independent Director of the Company ( <b>SELECT ONE</b> )	<input type="checkbox"/>		<input type="checkbox"/>

		Tasman District Council	Wellington City Council	New Plymouth District Council
2	To re-elect or elect (as appropriate), two of either <b>Tasman District Council</b> , <b>Wellington City Council</b> or <b>New Plymouth District Council</b> as a Nominating Local Authority ( <b>SELECT UP TO TWO</b> )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		For	Against
<b>3</b>	To approve the changes to the foundation policies of the Company	<input type="checkbox"/>	<input type="checkbox"/>

(Please refer to the notice of meeting for details of the resolutions)

**Signature of Shareholder**

**Dated:** 2020

**Notes:**

1. If you wish you may appoint as your proxy the chairperson of the meeting.
2. If you are a body corporate, this proxy form must be signed on behalf of the body corporate by a person acting under the body corporate's express or implied authority.
3. For this proxy form to be valid, you must complete it and produce it to the Company at least 48 hours before the time for holding the meeting. You can produce it to the Company by delivering it to **Level 8, City Chambers, 142 Featherston Street, Wellington 6145. It must be received at least 48 hours before the time for holding the meeting.**
4. If this proxy form has been signed under a power of attorney, a copy of the power of attorney (unless already deposited with the Company) and a signed certificate of non-revocation of the power of attorney must be produced to the Company with this proxy form.
5. If you return this form without directing the proxy how to vote on any particular matter, the proxy can vote how he or she thinks fit if authorised by you in this proxy form by ticking the appropriate box. Otherwise, the proxy will be deemed to have abstained from voting on that matter.
6. Capitalised terms in this proxy form have the meanings given to them in the shareholders' agreement dated 7 December 2011 (as amended and restated on 6 July 2020) between the Company and its shareholders.

**Foundation Policies**  
(Clause 5.1 of the Shareholders' Agreement)

All foundation policies may be reviewed annually by Principal Shareholders at the annual meeting of Shareholders. Any alteration requires approval pursuant to clause 5.1.

**Credit Risk**

***Lending Policy***

All Local Authorities that borrow from the Company will:

- Provide debenture security in relation to their borrowing from the Company and related obligations, and (if relevant), equity commitment liabilities to the Company and (if relevant) guarantee liabilities to a security trustee approved for the Company's creditors.
- Issue securities (bonds / FRNs / CP) to the Company and/or enter into facility arrangements with the Company.
- Comply with their own internal borrowing policies.
- Comply with the financial covenants outlined in the following table, provided that:
  - Unrated Local Authorities or Local Authorities with a long-term credit rating lower than 'A' equivalent can have bespoke financial covenants that exceed the:
    - Lending policy covenants outlined in the following table with the approval of the Board;
    - Foundation policy covenants outlined in the following table with the approval of an Ordinary Resolution.
  - Local Authorities with a long-term credit rating of 'A' equivalent or higher:
    - will not be required to comply with the lending policy covenants in the following table; and
    - can have bespoke financial covenants that exceed the foundation policy covenants outlined in the following table with the approval of an Ordinary Resolution; and in any event, will not be required to comply with the Net Debt / Total Revenue foundation policy covenant outlined in the following table until the financial year ending 30 June 2026. Until that date, such Local Authority must comply with the Net Debt / Total Revenue covenant set out in the table entitled "Alternative Net Debt / Total Revenue Covenant" below.
  - Any Board or Ordinary Resolution approval of bespoke financial covenants will only be provided after a robust credit analysis and any approval must also include bespoke reporting and monitoring arrangements.
- If the principal amount of a Local Authority's borrowings, or the Company's commitment under a facility agreement with a Local Authority, is at any time greater than NZD 20 million, be a party to a deed of guarantee and an equity commitment deed (in each case in a form set by the Company).

Financial covenant	Lending policy covenants	Foundation policy covenants
Net Debt / Total Revenue	<175%	<280%
Net Interest / Total Revenue	<20%	<20%
Net Interest / Annual Rates Income	<25%	<30%
Liquidity	>110%	>110%

Alternative Net Debt / Total Revenue Covenant	
Financial Year ending	Net Debt / Total Revenue
30 June 2020	<250%
30 June 2021	<300%
30 June 2022	<300%
30 June 2023	<295%
30 June 2024	<290%
30 June 2025	<285%

*Total Revenue is defined as cash earnings from rates, grants and subsidies, user charges, interest, dividends, financial and other revenue and excludes non government capital contributions (e.g. developer contributions and vested assets).*

*Net debt is defined as total debt less liquid financial assets and investments.*

*Liquidity is defined as external debt plus committed loan facilities plus liquid investments divided by external debt.*

*Net Interest is defined as the amount equal to all interest and financing costs less interest income for the relevant period.*

*Annual Rates Income is defined as the amount equal to the total revenue from any funding mechanism authorised by the Local Government (Rating) Act 2002 together with any revenue received from other local authorities for services provided (and for which the other local authorities rate).*

*Financial covenants are measured on Council only basis and not consolidated group basis, unless requested by a Local Authority and approved by the Board.*

During the initial three years of operation the Auckland Council will be limited to a maximum of 60% of the Company's total Local Authority (including CCOs (as defined below)) assets. After three years Auckland Council will be limited to a maximum of 40% of the Company's total Local Authority (including CCO) assets.

~~No more than the greater of NZD 100 million or 33% of a Local Authority's or CCO's (as defined below) borrowings from the Company will mature in any 12 month period.~~

Subject to implementation of any amendments or other actions considered necessary, advisable or expedient by the Board and the approval of the Board in relation to the relevant CCO (as defined below) (which may be a Council-Controlled Trading Organisation), an approved CCO may borrow from the Company provided that:

- The CCO is a "council-controlled organisation" as defined in section 6 of the Local Government Act 2002, where the CCO is a company in which equity securities carrying at least 51% or more of the voting rights at a meeting of the shareholders of the CCO are held or controlled, directly or indirectly, by one or more Local Authorities (respectively, a "CCO" and each such Local Authority being a "CCO Shareholder");
- Each CCO Shareholder provides a guarantee in respect of the CCO in favour of the Company and/or there is sufficient uncalled capital in respect of the CCO to meet the financial obligations of the CCO;
- Each CCO Shareholder provides equity commitment liabilities to the Company, guarantees liabilities to a security trustee approved for the Company's creditors, and provides debenture

security for its equity commitments to the Company and guarantee liabilities to the security trustee;

- Each CCO Shareholder complies with Lending policy financial covenants, Foundation policy financial covenants or other financial covenants required by the Board (if any) and, in the case of a CCO Shareholder with a long-term credit rating of 'A' equivalent or higher, until the financial year ending 30 June 2026, the Net Debt / Total Revenue covenant in the table entitled "Alternative Net Debt / Total Revenue Covenant" above.
- The CCO complies with any covenants required by the Board; and
- If required by the Board, the CCO will grant security in favour of the Company (which may be subject to any intercreditor arrangements acceptable to the Board).

Where the Company agrees to provide funding to the CCO, it must within 90 days of receiving annual financial covenant reporting from a CCO Shareholder (in its capacity as a borrower) report to the Shareholders' Council, holders of ordinary shares in the Company and any Local Authority guarantors of the Company's liabilities as to whether that CCO Shareholder has complied with its financial covenants on an individual and consolidated group basis.

Notwithstanding the definition of "CCO" set out above, the Board may not approve a CCO to borrow from the Company unless 100% of the equity securities carrying voting rights at a meeting of shareholders of the CCO are held or controlled, directly or indirectly, by one or more Local Authorities and the Crown (if applicable).

### **Cash and Liquid Investment Policy**

The Company will only invest in NZD senior debt securities, money market deposits and registered certificates of deposits within the counterparty limits outlined in the following table.

New Zealand Local Authority and CCO securities are excluded from the Company's cash and liquidity portfolio.

Counterparty <sup>1</sup>	S & P Credit Rating or equivalent <sup>2</sup> (Short-term / long-term) <sup>3</sup>	Maximum % Limit (Total Cash + Liquid Assets)	Minimum % Limit (Total Cash + Liquid Assets)	Maximum New Zealand Dollar counterparty Limit (millions) <sup>4</sup>	Maximum term (years) <sup>5</sup>
Category 1: NZ Government or RBNZ <sup>6</sup>	N/A	100%	20%	Unlimited	No longer than the longest dated LGFA maturity on issue
Category 2	A1+ / AAA	80%	N/A	300	<del>53</del>
Category 3	A1+ <del>or</del> A1 / AA+	80%	N/A	200	<del>53</del>
	A1+ <del>or</del> A1 / AA	80%	N/A	200	<del>53</del>
	A1+ <del>or</del> A1 / AA-	80%	N/A	200	<del>53</del>

<sup>1</sup> Category 2, 3, 4 and 5 counterparties do not include the RBNZ or the NZ Government.

<sup>2</sup> Equivalent rating from Fitch Ratings or Moody's

<sup>3</sup> Short term rating applies for all securities with a maturity date of 365 days or less.

<sup>4</sup> If the counterparty credit rating is downgraded below the allowed limit, LGFA has 30 days to sell the security.

<sup>5</sup> Maximum term applies from the date of settlement.

<sup>6</sup> At least 20% of the portfolio must be held at the RBNZ or invested in NZ Government securities.

Category 4	A1: /A+, NZ Registered Bank	60%	N/A	200	3
Category 5	<u>A1 or A24: / A+</u> <u>A1 or A2: / A</u> Other Issuers	10%	N/A	50	1

The maximum individual counterparty limit (excluding the NZ Government) cannot be greater than 100% of Accessible Capital. Accessible Capital is defined as issued and paid capital plus retained earnings plus issued and unpaid capital plus outstanding borrower notes.

### ***Derivative Policy***

Unless explicitly approved otherwise by the Board, all derivative transactions must be transacted with New Zealand Debt Management as counterparty.

### **Market Risk**

The Company's total 12 month forecast portfolio PDH (Partial Differential Hedge) Limit is \$100,000<sup>7</sup>.

The Company's total portfolio Value at Risk (VaR) daily limit is \$1,000,000<sup>8</sup>.

### ***Foreign exchange risk policy***

The Company will take no foreign exchange risk.

### **Operational Risk**

Unless explicitly approved otherwise by the Board, the Company will outsource the following functions to New Zealand Debt Management as follows:

- Hedging – New Zealand Debt Management is the LGFA interest rate swap counterparty.

### ***Dividend policy***

The policy is to pay a dividend that provides an annual rate of return to Shareholders equal to the Company's cost of funds plus 2.00% over the medium term, recognising that, to assist in the start-up period, the initial expectation is for no dividend for the part period to 30 June 2012, and for a dividend equal to 50% of the target dividend in the two periods to 30 June 2014 to be paid. Thereafter, the intention is to pay at least the full target dividend until the target dividend return is achieved as measured from commencement, including consideration of the time value of money at the target annual rate of return.

At all times payment of any dividend will be discretionary and subject to the Board's legal obligations and views on appropriate capital structure.

<sup>7</sup> PDH risk measures the sensitivity of a portfolio to a one basis point change in underlying interest rates. For example a PDH of \$100,000 means that the portfolio value will fall by \$100,000 for a one basis point fall in interest rates.

<sup>8</sup> VaR measures expected loss for a given period with a given confidence. For example, 95% confidence, daily VaR of \$1,000,000 means that it is expected that the portfolio will lose \$1,000,000 on 5% of days. i.e. 1 day in 20 the portfolio value will decrease by \$1,000,000.

14 October 2020

The Shareholders  
 NZ Local Government Funding Agency

Dear Shareholder

You have recently received papers from the LGFA for its Annual General Meeting (AGM) on 19 November 2020. The Shareholders' Council has considered this material and wishes to make recommendations to help with your decision making prior to the AGM.

Our role (as per the Shareholders' Agreement) includes requirements to:

- Make recommendations to Shareholders as to the appointment removal, re-election, replacement and remuneration of Directors.
- Make recommendations to Shareholders as to any matters which require the approval of Shareholders.

Our recommendations on the AGM resolutions are as follows:

### **Resolution 1 – Financials**

The financial statements and Auditor's report for the company for the year ended 30 June 2020 will be presented for consideration and discussion.

***The Shareholders' Council recommends this resolution is approved.***

### **Resolution 2 – Appointment of Directors**

Earlier this year the Shareholders' Council met to consider Board representation. At that time we formed the view that there was no pressing need to change the Board composition and we would therefore support the re-appointment of the incumbent retiring directors.

This support was conditional upon:

- a review being conducted in 2020/21 of the current Board's performance
- determining the skills and experience needed going forward
- an assessment of the incumbent Board against this matrix
- a review of succession planning for the Board Chair and Audit & Risk Chair roles.

As a result of this decision the Shareholders' Council did not actively seek additional nominations for the Director roles.

However, a nomination was subsequently received from Kapiti Coast District Council for the appointment of their CEO, Wayne Mawell, as a Non-Independent Director. The incumbent Non-Independent Director, Mike Timmer, is seeking re-election, meaning this position is contested.

Philip Cory-Wright, as the retiring Independent Director, seeks re-election, with no other nominees for this position.

Yesterday the Shareholders' Council interviewed the two nominees for the Non-Independent Director role. The unanimous view of those members present was that Mike Timmer should be re-appointed as:

- Given the uncertainty and volatility in financial markets forecast over the next year, there was a strong case for Board continuity
- He has been a strong performer within a highly competent Board
- He was able to demonstrate an awareness of issues facing all stakeholders i.e shareholders, guarantors, borrowers and investors

While Wayne also has strong credentials and offers a fresh perspective, it was felt that any new appointments should only be made after completing the review of the required composition and skills outlined above.

***The Shareholders' Council recommends Philip Cory-Wright and Mike Timmer are re-elected.***

### **Resolution 3 – Election of Nominating Local Authorities**

This issue is not specified as being within the role of the Shareholders' Council, and while it falls within "matters which require the approval of Shareholders" we feel there is conflict of interest and it would be inappropriate to make a recommendation as two of the three candidates are already Shareholders' Council members.

Shareholders are therefore requested to make their own determination on this matter.

***The Shareholders' Council abstains from making a recommendation on this matter.***

### **Resolution 4 – Changes to Foundation Policies**

The proposed changes have been discussed in depth with LGFA management, and we agree that they are sensible adjustments that reflect the ongoing development and maturity of the company and in particular the changing nature of the lending portfolio.

In supporting the changes, we have requested LGFA complete a comprehensive review of the Treasury Policy within the next twelve months and continue to monitor relevant borrowing parameters, regardless of whether they are specified covenants.

***The Shareholders' Council supports the changes to the foundation policies.***

I trust you find this information helpful. Please contact me or your Shareholders' Council liaison should you wish to discuss any matter relating to this letter or any other aspects of LGFA operations.

Yours sincerely



Alan Adcock  
Chair, LGFA Shareholders' Council

cc. Mark Butcher, Chief Executive LGFA



## 7.4 Adoption of the 2019-20 Annual Report

**Meeting:** Whangarei District Council  
**Date of meeting:** 22 October 2020  
**Reporting officer:** Delyse Henwood (Manager – Finance)

### 1 Purpose

To adopt the Council's Annual Report and Summary Annual report for the year ended 30 June 2020.

### 2 Recommendations

That the Council:

1. Adopts the Annual Report and Summary Annual Report for the year ended 30 June 2020;
2. 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 intended level of performance as set out in respect of the year in the Long Term Plan and the Annual Plan; and
- to promote Council's accountability to the community for the decision made throughout the year by the Council.

### 4 Discussion

The Annual Report and the Summary Annual Report for the year ended 30 June 2020 (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 the 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 2020
2. Summary Annual Report for the year ended 30 June 2020

*Documents to be distributed under separate cover. Documents will be available to the public on council's website or contact the Democracy Team.*

## 8.1 Financial report for the 3 months ending 30 September 2020

**Meeting:** Whangarei District Council  
**Date of meeting:** 22 October 2020  
**Reporting officer:** Alan Adcock (General Manager – Corporate/CFO)

### 1 Purpose

To provide the operating result for the three months ending 30 September 2020.

### 2 Recommendation

That the Council notes the operating results for the three months ending 30 September 2020.

### 3 Background

#### 3.1 Operating Result

The year to date position is a surplus of \$5.8 million, compared to a budgeted deficit of \$0.1 million, resulting in a favourable variance of \$5.9 million.

The forecast net surplus for the financial year ending 30 June 2021 is \$6.9 million compared to the budgeted surplus of \$3.1 million resulting in a favourable variance of \$3.8 million. These results are based on forecast figures provided by budget managers in September 2020.

The year to date favourable variance has been partially offset by unbudgeted flood damage spend of approximately \$2.5 million. The year-to-date variance is also impacted by differences between the phasing of the budget and when costs are incurred.

The unbudgeted MBIE Te Tai Tokerau Worker Redeployment Package has provided grants revenue of \$8.3 million, with \$5.6 million being distributed to other parties to the contract. The full year grants received is forecast to be \$13.3 million, of which \$8.5 million will be distributed to the other parties. These transactions have been identified separately within the Income Statement.

The July 2020 flood damage has resulted in forecasted unbudgeted roading repairs expenditure of \$5.9 million. This has been partially offset by \$4.0 million of unbudgeted subsidies received to partially cover the repair cost.

#### 3.2 External Net Debt and Treasury

Total net external debt at the end of September 2020 was \$97.7 million compared to year to date budgeted net debt of \$125.9 million, resulting in net debt being \$28.2 million under budget.

This favourable variance is due to assumptions made regarding the opening net debt balance of the 2020-21 Annual Plan, higher than budgeted rates instalments received, MBIE funding received and the favourable operating surplus (see section 3.1).

As at 30 September 2020 cash and term deposits held of \$77.3m was comprised of:

- \$10.0 million of term deposits relating to short term borrowings not yet required
- \$23.0 million of term deposits relating to pre-funding undertaken
- \$30.5 million of term deposits relating to excess cash not currently required
- \$13.8 million cash on hand.

### 3.3 Economic Outlook

The commentary in italics below was taken from the Economic Outlook provided by PWC Treasury Advisory, dated 12 October 2020.

*The RBNZ cut the OCR by 75bps in March to 0.25% and reaffirmed forward guidance at its September meeting that the OCR will remain at this level until at least March 2021. Increased possibility that the OCR goes 'negative' in mid-2021.*

*Domestic and global economic data is improving but the outlook remains uncertain. Extension of the mortgage deferral scheme should support the housing market while the number of 'interest only' mortgage restructurings and principal plus interest deferrals remain elevated.*

*Underlying inflation around the world remains relatively benign. No reason to expect structurally higher long-term swap rates over the next year.*

*Business confidence surveys improved in September, and were even better in the preliminary October reading. Headline confidence now stands at levels observed over parts of 2019, while own activity is now in expansionary territory.*

*Q3 GDP growth to show a large rebound from Q2's very weak reading, although will be smaller than otherwise expected as a result of the August and September lockdown and restrictions.*

*As such, the associated outlook for interest rates remain lower. More likely that if in an environment of widening bank credit margins, additional weighting towards (lower) floating market interest rates is favoured.*

## 4 Accounts receivable and arrears

Total arrears as at 30 September 2020 was \$5.9 million, compared to \$4.9 million in the previous year. This is in part due to land and water rates arrears being \$0.6 million higher than last year and sundry debtors \$0.4 million higher than last year. Proactive debt collection activities are in progress.

## 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.

## **6 Attachments**

- 1 Monthly key indicators
- 2 Monthly activity summary
- 3 Monthly income statement
- 4 Quarterly cashflow statement
- 5 Quarterly balance sheet
- 6 Treasury report



**MONTHLY KEY INDICATORS  
SEPTEMBER 2020**



	YTD to September 2020					Full Year Forecast			
	Actual	Revised Budget	Variance	YTD	YTD Trend	Full Year Forecast	Revised Budget	Variance	YTD
	YTD \$ m	YTD \$ m	YTD \$ m	Indicator	Current / previous month	2020-21 \$ m	2020-21 \$ m	2020-21 \$ m	Indicator
<b>OPERATING</b>									
<b>Total Rates</b>	23.3	23.1	0.2	●		103.7	103.8	(0.1)	●
<b>Development Contributions</b>	2.7	2.3	0.4	●		3.4	3.0	0.4	●
<b>Subsidies and Grants</b>	5.5	4.2	1.3	●		25.8	21.7	4.1	●
<b>User Fees</b>	4.2	3.4	0.8	●		13.6	13.0	0.6	●
<b>Total Operating Income</b>	38.0	35.1	2.9	●	↑	155.4	149.8	5.6	●
<b>Personnel Costs</b>	7.8	7.8	0.0	●		29.5	29.4	(0.1)	●
<b>Other Operating Expenditure</b>	14.6	14.2	(0.4)	●		72.5	64.5	(8.0)	●
<b>Total Operating Expenditure</b>	34.8	35.5	0.7	●	↓	153.5	148.2	(5.3)	●
<b>Surplus/(Deficit) from Operations</b>	3.2	(.5)	3.7	●	↑	1.9	1.6	0.3	●
<b>Total Surplus/(Deficit)</b>	5.8	(.1)	5.9	●	↑	6.9	3.1	3.8	●
<b>EXTERNAL DEBT FUNDING</b>									
<b>External Net Debt</b>	97.7	126.0	28.2	●					
<b>Net Interest on debt</b>	1.1	1.8	0.7	●		4.8	7.3	2.5	●

KEY	
●	Favourable to budget
●	Unfavourable, but within 5% of budget
●	Unfavourable, over 5% of budget
↑	Favourable to previous month
↓	Unfavourable to previous month

**Note:** The above information includes excerpts taken from the Monthly Income Statement. The shaded lines above represent key totals from the Monthly Income Statement but are not totals of the lines above.



# MONTHLY ACTIVITY SUMMARY SEPTEMBER 2020



	YTD to September 2020					Full Year Forecast			
	Actual Surplus/ (Deficit) \$m	Revised Budget Surplus/ (Deficit) \$m	Variance Surplus/ (Deficit) \$m	YTD Indicator	YTD Trend Current / previous month	Full Year Forecast Surplus/ (Deficit) \$m	Revised Budget Surplus/ (Deficit) \$m	Variance Surplus/ (Deficit) \$m	Full Year Indicator
<b>Surplus/(deficit) from operations</b>	5.9	(0.4)	6.3	●	↑	6.2	1.6	4.6	●
<b>Transportation</b>	(2.0)	(4.4)	2.4	●	↑	(15.7)	(18.3)	2.6	●
<b>Water</b>	2.1	1.5	0.6	●	↑	2.1	1.4	0.7	●
<b>Solid Waste</b>	0.9	1.1	(0.2)	●	↓	2.0	2.1	(0.1)	●
<b>Waste Water</b>	2.8	2.8	0.0	●	→	8.2	8.1	0.1	●
<b>Storm Water</b>	(0.9)	(1.0)	0.1	●	↑	(4.9)	(4.9)	0.0	●
<b>Flood Protection</b>	0.0	0.1	(0.1)	●	↓	0.3	0.3	0.0	●
<b>Community Facilities</b>	(5.8)	(7.1)	1.3	●	↑	(36.5)	(37.4)	0.9	●
<b>Governance &amp; Strategy</b>	0.1	(0.5)	0.6	●	↑	(3.2)	(3.6)	0.4	●
<b>Planning &amp; Regulatory</b>	0.0	(0.5)	0.5	●	↑	(11.5)	(9.1)	(2.4)	●
<b>Support Services</b>	8.8	7.6	1.2	●	↑	65.3	62.9	2.4	●

## KEY:



Favourable to budget



Unfavourable, but within 5% of budget



Unfavourable, over 5% of budget



Favourable to previous month



Unfavourable to previous month



No change to previous month

**Note:** The above information is at Council Operations level and excludes non-cash adjustments



## MONTHLY INCOME STATEMENT

### 30 SEPTEMBER 2020

Council Summary	Actual	Revised Budget	Forecast	Revised Budget	Variance*
	YTD	YTD	2020-21	2020-21	2020-21
	\$000	\$000	\$000	\$000	\$000
<b>Operating income</b>					
Rates	23,311	23,103	103,680	103,784	(104)
Development and other contributions	2,691	2,290	3,390	2,990	400
Subsidies and grants	5,466	4,183	25,841	21,732	4,109
Fees and charges	4,201	3,437	13,570	12,953	618
Interest revenue	104	76	410	381	28
Other revenue	2,218	1,975	8,501	7,960	542
<b>Total operating income</b>	<b>37,992</b>	<b>35,064</b>	<b>155,392</b>	<b>149,800</b>	<b>5,592</b>
<b>Operating expenditure</b>					
Other expenditure	14,639	14,228	72,537	64,531	(8,439)
Depreciation and amortisation	11,156	11,641	46,217	46,564	347
Finance costs	1,230	1,903	5,242	7,687	2,445
Personnel costs	7,751	7,756	29,520	29,437	(83)
<b>Total operating expenditure</b>	<b>34,775</b>	<b>35,528</b>	<b>153,515</b>	<b>148,218</b>	<b>(5,730)</b>
<b>Surplus/(deficit) from operations</b>	<b>3,216</b>	<b>(464)</b>	<b>1,877</b>	<b>1,582</b>	<b>(138)</b>
<b>Plus MBIE Te Tai Tokerau agreement</b>					
Grants received	8,323	-	13,320	-	13,320
Grants paid	(5,571)	-	(8,539)	-	(8,539)
<b>Total MBIE Te Tai Tokerau agreement</b>	<b>2,753</b>	<b>-</b>	<b>4,781</b>	<b>-</b>	<b>4,781</b>
<b>Plus non-cash income adjustments</b>					
Vested assets income	404	767	2,703	3,066	(363)
Gain on disposal of assets	-	-	-	-	-
<b>Total non-cash income adjustments</b>	<b>404</b>	<b>767</b>	<b>2,703</b>	<b>3,066</b>	<b>(363)</b>
<b>Less non-cash expenditure adjustments</b>					
OPEX on capital projects**	394	395	2,196	1,510	(252)
Loss on disposal of assets	213	-	247	-	(247)
<b>Total non-cash expenditure adjustments</b>	<b>607</b>	<b>395</b>	<b>2,443</b>	<b>1,510</b>	<b>(499)</b>
<b>Total non-cash adjustment</b>	<b>(203)</b>	<b>372</b>	<b>261</b>	<b>1,556</b>	<b>(862)</b>
<b>Total surplus/(deficit)</b>	<b>5,766</b>	<b>(92)</b>	<b>6,919</b>	<b>3,138</b>	<b>3,781</b>

\* Favourable variances are recorded as positive amounts (unfavourable variances as negative amounts)

\*\* This expenditure is included within the Capital Projects Report



**QUARTERLY CASH FLOW STATEMENT**  
**YTD TO SEPTEMBER 2020**

	Actual 2020-21	Actual 2019-20	Annual Plan 2020-21
<b>Council Summary</b>	<b>YTD</b>	<b>YTD</b>	<b>Full Year</b>
	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>
<b>Cash flows from operating activities</b>			
Rates (inc metered water)	45,720	36,361	100,837
Grants & Subsidies received	5,468	2,888	21,171
Other income	18,613	7,913	22,253
Interest & dividends received from investments	59	574	415
Payments to suppliers and employees	(28,800)	(24,921)	(95,452)
Interest paid	(1,118)	(1,680)	(7,687)
<b>Net cash (to) / from operating activities</b>	<b>39,942</b>	<b>21,135</b>	<b>41,537</b>
<b>Cash flows from investing activities</b>			
Proceeds from sale of property, plant and equipment	19	822	-
Maturity of investments and loans	800	-	-
Purchase and development of fixed assets	(22,006)	(14,137)	(69,057)
Purchase of investments and loans provided	(575)	-	-
<b>Net cash flows (to) / from investing activities</b>	<b>(21,762)</b>	<b>(13,315)</b>	<b>(69,057)</b>
<b>Cash flows from financing activities</b>			
Loans raised	33,000	10,000	22,000
Loan repayments received	26	38	-
Repayment of public debt	(10,000)	(10,000)	-
Loans granted	-	-	-
<b>Net cash flows (to) / from financing activities</b>	<b>23,026</b>	<b>38</b>	<b>22,000</b>
<b>Net Cash Movement increase / (decrease)</b>	<b>41,207</b>	<b>7,858</b>	<b>(5,520)</b>
<b>Cash Reconciliation</b>			
Cash, cash equivalents and bank overdrafts at the beginning of the year	36,060	39,230	30,402
Cash, cash equivalents and bank overdrafts at the end of the period	77,267	47,088	24,882
<b>Net increase / (decrease) in cash, cash equivalents and bank overdrafts</b>	<b>41,207</b>	<b>7,858</b>	<b>(5,520)</b>



## QUARTERLY BALANCE SHEET AS AT 30 SEPTEMBER 2020

Council Summary	Actual 2020-21 YTD \$000	Annual Plan 2020-21 Full year \$000	Variance  \$000
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	77,267	24,882	52,385
Debtors and receivables	21,696	22,936	(1,240)
Derivative financial instruments	-	61	(61)
Other financial assets	164	328	(164)
Other current assets	1,620	918	702
<b>Total current assets</b>	<b>100,748</b>	<b>49,125</b>	<b>51,623</b>
<b>Non-current assets</b>			
Investment in CCO's and similar entities	10,712	12,226	(1,514)
Investment in other entities	3,963	2,970	993
Property, plant and equipment	1,746,247	1,799,981	(53,734)
Intangible assets	11,301	12,773	(1,472)
Forestry assets	819	820	(1)
Investment properties	56,347	59,084	(2,737)
<b>Total non-current assets</b>	<b>1,829,388</b>	<b>1,887,854</b>	<b>(58,466)</b>
<b>Total assets</b>	<b>1,930,136</b>	<b>1,936,979</b>	<b>(6,843)</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Payables and deferred revenue	48,969	25,042	23,927
Derivative financial instruments	142	804	(662)
Current borrowings	33,000	30,000	3,000
Employee benefits liabilities	3,322	2,628	694
Provisions	43	55	(12)
<b>Total current liabilities</b>	<b>85,476</b>	<b>58,529</b>	<b>26,947</b>
<b>Non-current liabilities</b>			
Derivative financial instruments	20,923	17,298	3,625
Non-current borrowings	142,000	144,000	(2,000)
Employee benefits liabilities	412	407	5
Provisions	524	1,346	(822)
Payables and deferred revenue	90	101	(11)
<b>Total non-current liabilities</b>	<b>163,948</b>	<b>163,152</b>	<b>796</b>
<b>Total liabilities</b>	<b>249,424</b>	<b>221,681</b>	<b>27,743</b>
<b>Net assets</b>	<b>1,680,712</b>	<b>1,715,298</b>	<b>(34,586)</b>
<b>Equity</b>			
Retained earnings	935,262	938,300	(3,038)
Other reserves	71,920	72,597	(677)
Asset revaluation reserve	673,530	704,401	(30,871)
<b>Total equity attributable to Council</b>	<b>1,680,712</b>	<b>1,715,298</b>	<b>(34,586)</b>



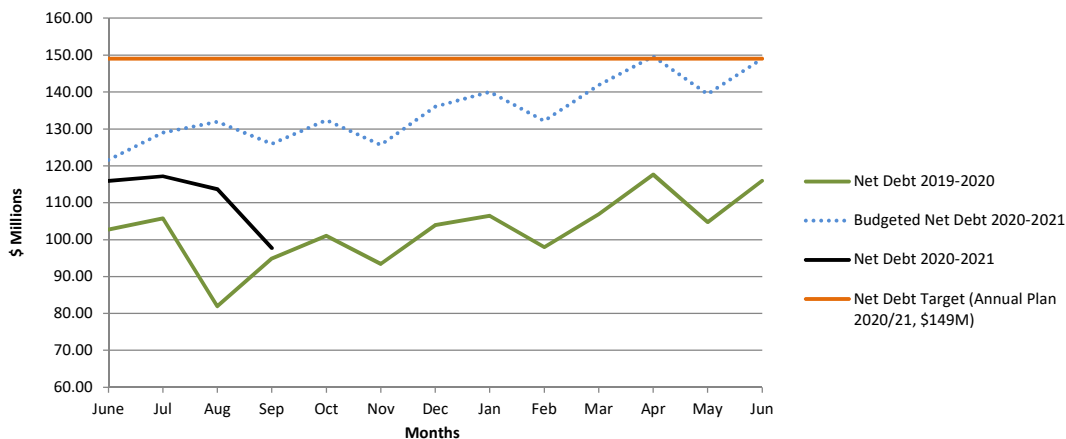
**TREASURY REPORT**  
**30 SEPTEMBER 2020**

**STANDARD AND POORS CREDIT RATING:****AA**

Outlook: Positive

**DEBT SUMMARY:****As at 30 September 2020**

<b>External Debt</b>		
Opening public debt as at 1 September 2020		
		164,000,000
Plus loans raised during month	16,000,000	
Less loan repayments made during month (Note: Facility movement has been netted)	(5,000,000)	
Net movement in external debt		11,000,000
<b>Total External Debt</b>		<b>175,000,000</b>
Less: Cash balances (excluding funds held on behalf)	13,767,374	
Term deposits (Funds held on deposit until required for project funding)	63,500,000	
Total cash and term deposits		77,267,374
<b>Total Net External Debt</b>		<b>97,732,626</b>
<i>Note: Council also holds \$2.6m of LGFA borrower notes. These are not included in net external debt as per Council's Treasury Risk Management Policy.</i>		
<b>External debt is represented by:</b>		
Less than 1 Year		33,000,000
1-3 Years		30,000,000
3-5 Years		33,000,000
Greater than 5 Years		79,000,000
<b>Total</b>		<b>175,000,000</b>

**NET EXTERNAL DEBT COMPARED TO BUDGET:**

<b>Internal Funding*</b>		
Community Development Funds		
		10,715,403
Property Reinvestment Reserve - Available for Reinvestment	5,066,219	
Property Reinvestment Reserve - Accumulated	30,106,819	
		35,173,038
Water Reserve		24,738,175
<b>Total</b>		<b>70,626,616</b>

Note: Reserves Funding is disclosed to ensure transparency of Council's use of cashflow management to fund capital works. Where funds are raised through property sales or targeted rates for Water, but they are not required for immediate investment in that asset category, Council's Revenue and Financing policy allows them to be used for other purposes, rather than being held on deposit. To ensure total transparency of this we create Reserve Accounts so that the appropriate funding can be made available and transferred back when it is required. The timing of projects requiring these funds is set out in our Long Term Plan (LTP) and/or Annual Plan (AP). These Reserves are not a liability to an external party, and are not part of Council's debt obligations.

The Property Reinvestment Reserve is split to record funds that were used specifically for capital works in previous years; and a smaller amount representing recent unbudgeted sales where the funds received have offset external debt.

The only situation where our Net Debt would increase as a result of these Reserves is if major expenditure on Water Assets or property purchases is brought forward from the dates set out in the LTP/AP.



## 8.2 Capital Projects Report – September 2020

**Meeting:** Whangarei District Council  
**Date of meeting:** 22 October 2020  
**Reporting officer:** Alan Adcock (General Manager – Corporate / CFO)

### 1 Purpose

To provide the Capital Projects Report for the nine months ending 30 September 2020.

### 2 Recommendation

That the Council notes the Capital Projects Report for the three months ending 30 September 2020.

### 3 Background

This report provides an update on the Capital Projects expenditure to date compared with budget, as well as the forecast spend for the year and carry forwards against budget.

### 4 Discussion

The Capital Projects expenditure as at 30 September 2020 of \$15.1 million is \$4.1 million less than budget, and represents 16% of the overall budget of \$92 million. However, capital expenditure is \$3.1m (29%) ahead of capital expenditure at the same time last year.

An estimated total spend is required for treasury management purposes, as well as the opening position for the Draft Long Term Plan. Based on trends from previous years, and noting the improved delivery of overall spend on capital projects in recent years, an initial forecast spend of \$67 million will be used, leaving carry-forwards of \$25 million. These figures will be revised as more robust data comes to hand.

### 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

### 6 Attachments

1. Capital Projects Report September 2020
2. Capital Projects Graphs September 2020



## CAPITAL PROJECTS REPORT

AS AT 30 September 2020

(Figures include both Operating and Capital Expenditure)

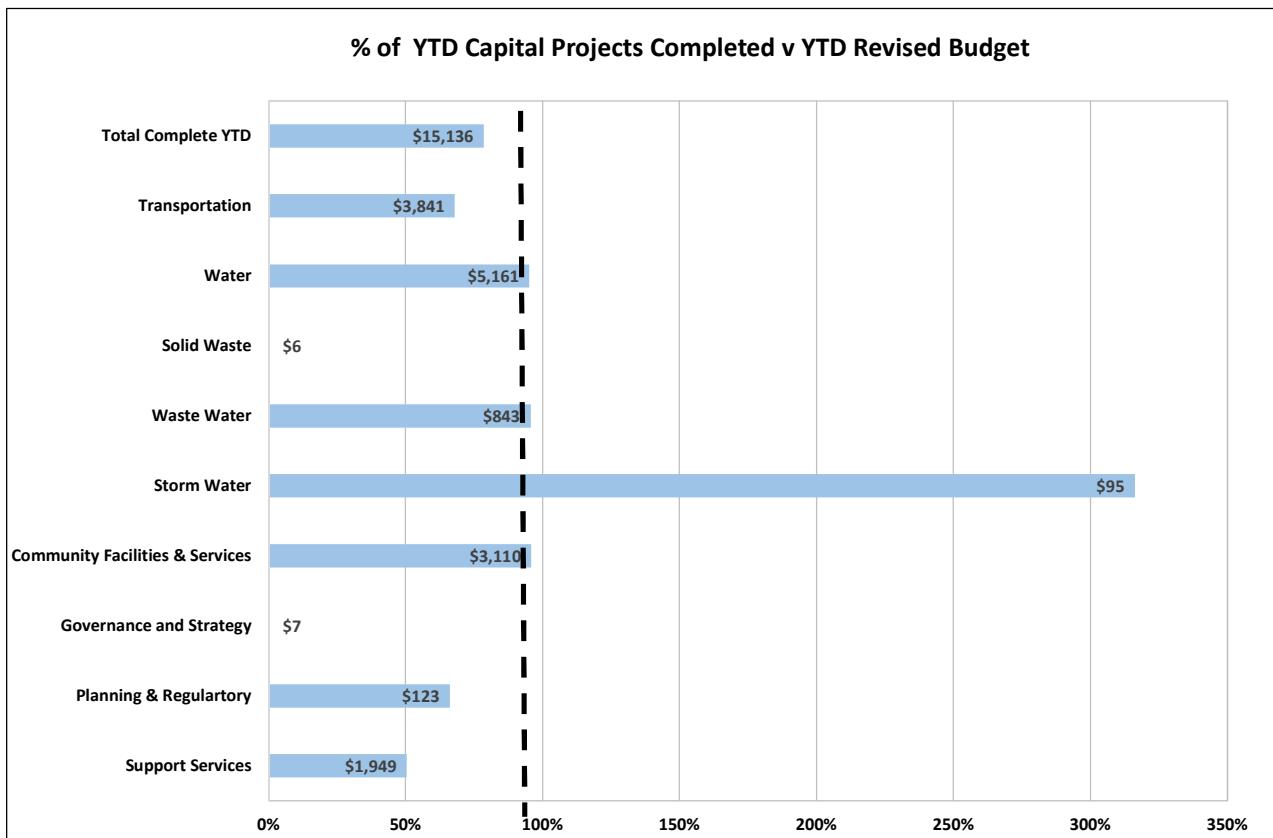
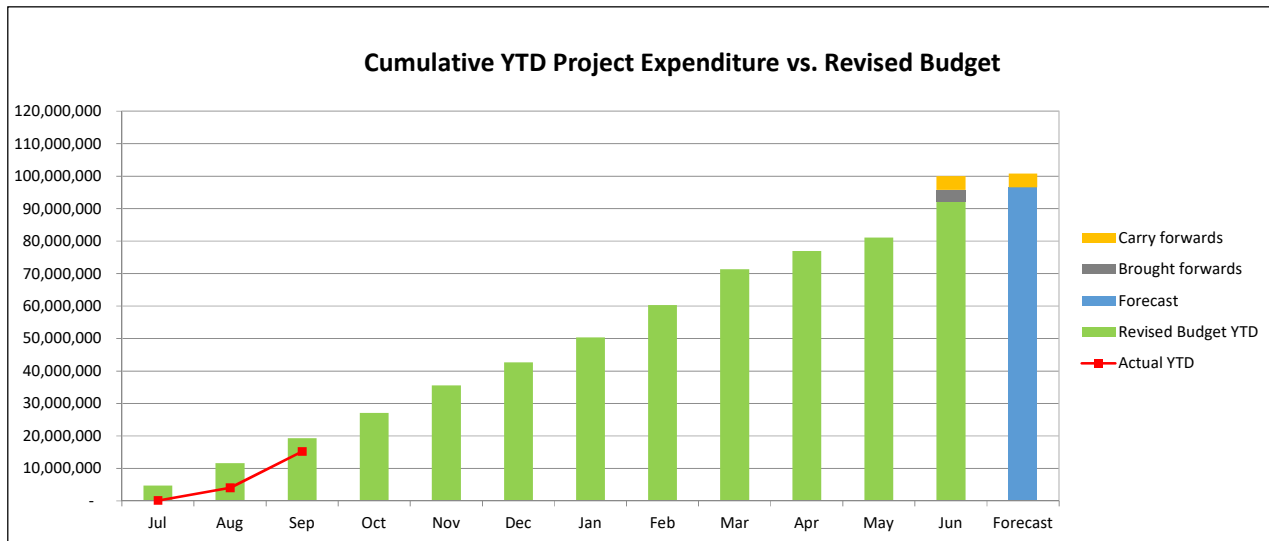
	Actual YTD \$000	Revised Budget YTD \$000	Variance YTD \$000	Full Year Revised Budget \$000
<b>Transportation</b>				
Amenity Lighting	0	24	24	97
Bus Shelters	74	70	(4)	166
Coastal Protection Structures - Roading	0	22	22	86
Cycleways - Subsidised	(270)	323	592	390
Cycleways - Unsubsidised Programmed Work	0	0	0	31
Drainage Renewals	234	517	283	1,406
Footpaths Renewals	8	97	89	390
Land for Roads	353	0	(353)	0
LED Streetlight Upgrades	467	500	33	535
Mill Rd/Nixon St/Kamo Rd - Roading	(14)	0	14	0
Minor Improvements to Network	625	1,718	1,093	7,780
New Footpaths	0	132	132	526
Parking Renewals	104	237	133	237
Seal Extensions - House Frontage Sealing	288	0	(288)	0
Seal Extensions - Unsubsidised	0	25	25	3,898
Seal Extensions - Wright/McCardle	0	0	0	0
Sealed Road Pavement Rehabilitation	245	236	(9)	6,660
Sealed Road Resurfacing	873	188	(685)	5,016
Structures Component Replacement	354	421	67	1,276
Subdivision Works Contribution	8	13	5	53
Traffic Sign & Signal Renewals	74	299	225	1,195
Transport Planning Studies & Strategies	4	53	49	213
Unsealed Road Metalling	119	216	97	864
Urban Intersection Upgrades	295	559	264	619
<b>Transportion Total</b>	<b>3,841</b>	<b>5,648</b>	<b>1,808</b>	<b>31,438</b>
<b>Water</b>				
Fairway Drive Pump Station Upgrade	10	10	0	533
Kamo Reservoir Additional Capacity	0	0	0	113
Minor Projects - Emergency Works	88	60	(28)	320
Reservoir Rehabilitation - Programmed Work	61	19	(42)	107
Reticulation - Programmed Work	786	184	(602)	1,233
SCADA Upgrade	79	100	21	679
Three Mile Bush Reservoir Additional Capacity	5	17	12	69
Treatment Plant Renewals	28	0	(28)	0
Treatment Plant Upgrades	64	77	13	291
Water Meter Renewals	0	10	10	373
Water Treatment Plant & Equipment Replacement	283	100	(183)	533
Whau Valley New Water Treatment Plant	3,758	4,847	1,089	10,916
<b>Water Total</b>	<b>5,161</b>	<b>5,424</b>	<b>263</b>	<b>15,166</b>
<b>Solid Waste</b>				
Transfer Station Upgrades	6	0	(6)	0
<b>Solid Waste Total</b>	<b>6</b>	<b>0</b>	<b>(6)</b>	<b>0</b>
<b>Wastewater</b>				
Laboratory Equipment Renewals & Upgrades	0	0	0	36
Public Toilets	2	50	48	345
Sewer Network Renewal	225	262	37	1,854
Sewer Network Upgrades	239	253	14	976
Wastewater Assessment	35	11	(24)	45
Wastewater Pump Station Renewals	8	89	81	357

	Actual YTD \$000	Revised Budget YTD \$000	Variance YTD \$000	Full Year Revised Budget \$000
Wastewater Reticulation Upgrade	10	0	(10)	125
Wastewater Treatment Plant Biogas Generator	0	0	0	0
Wastewater Treatment Plant Renewals	241	144	(97)	721
Wastewater Treatment Plant Upgrades	83	71	(12)	770
<b>Wastewater Total</b>	<b>843</b>	<b>881</b>	<b>38</b>	<b>5,229</b>
<b>Stormwater</b>				
Blue/Green Network	0	0	0	160
Stormwater Catchment Management Plans & Assessme	55	0	(55)	0
Stormwater Renewals	32	15	(17)	1,117
Stormwater Upgrades	8	15	7	61
<b>Stormwater Total</b>	<b>95</b>	<b>30</b>	<b>(65)</b>	<b>1,338</b>
<b>Community Facilities &amp; Services</b>				
<b>Business Support</b>				
Forum North Venue Renewals	3	250	247	250
<b>Business Support Total</b>	<b>3</b>	<b>250</b>	<b>247</b>	<b>250</b>
<b>Civil Defence</b>				
Civil Defence Emergency Management Equipment Ren	0	0	0	41
Civil Defence Emergency Management New Equipment	0	0	0	5
Tsunami Signage	0	0	0	52
Tsunami Sirens New	0	0	0	59
Tsunami Sirens Renewals	0	0	0	18
<b>Civil Defence Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>175</b>
<b>Community Development</b>				
CCTV Upgrades & Improvements	78	46	(31)	184
Community Buildings Renewals & Improvements	74	74	0	296
Community Led Development	89	75	(14)	299
Pensioner Housing Renewals & Improvements	201	186	(15)	744
<b>Community Development Total</b>	<b>442</b>	<b>381</b>	<b>(61)</b>	<b>1,523</b>
<b>District Development</b>				
Walkway & Track Renewals	7	0	(7)	0
<b>District Development Total</b>	<b>7</b>	<b>0</b>	<b>(7)</b>	<b>0</b>
<b>Libraries</b>				
Book Purchases	108	130	23	676
Library IT Equipment	19	0	(19)	237
Library Renewals	4	5	1	5
Mobile Bus Replacement	0	1	1	4
<b>Libraries Total</b>	<b>130</b>	<b>136</b>	<b>6</b>	<b>922</b>
<b>Parks &amp; Recreation</b>				
Cemeteries Renewals	68	0	(68)	484
Cemetery Land Purchases	2	0	(2)	0
Coastal Structures Level of Service	0	0	0	63
Coastal Structures Renewal	12	(33)	(45)	596
Emerald Necklace - Sense of Place	50	0	(50)	0
MBIE Projects	230	0	(230)	0
Neighbourhood & Public Gardens Level of Service	22	0	(22)	0
Neighbourhood & Public Gardens Renewals	67	492	425	1,472
Playgrounds & Skateparks Level of Service	9	0	(9)	0
Playgrounds & Skateparks Renewals	192	0	(192)	443
Pohe Island Development	425	645	220	4,316
Public Art	0	15	15	77
Sport & Recreation Growth	94	86	(8)	368

	Actual YTD \$000	Revised Budget YTD \$000	Variance YTD \$000	Full Year Revised Budget \$000
Sport & Recreation Level of Service	50	58	8	788
Sport & Recreation Renewals	198	17	(181)	57
Sportsfields Land Purchases	2	0	(2)	0
Tikipunga Soccer Hub	0	0	0	0
Town Basin - Conversion of Carpark to Park	64	40	(24)	2,243
Visitor Destination Upgrades	30	0	(30)	0
Walkway & Track Renewals	102	6	(97)	428
Waterfront Programme	8	8	0	99
<b>Parks &amp; Recreation Total</b>	<b>1,625</b>	<b>1,334</b>	<b>(291)</b>	<b>11,436</b>
<b>Roading</b>				
Community Led Development	0	74	74	297
<b>Roading Total</b>	<b>0</b>	<b>74</b>	<b>74</b>	<b>297</b>
<b>Venue and Events Whangarei</b>				
Forum North Venue Renewals	30	27	(3)	214
Forum North Venue Upgrades	6	0	(6)	105
NECT - Exterior General Renewals	80	75	(5)	580
NECT Building Renewals	88	356	268	381
NECT Field Renewals	44	0	(44)	326
NECT Light Tower Renewals	446	446	(0)	3,261
Sport & Recreation Renewals	209	165	(44)	165
<b>Venue and Events Whangarei Total</b>	<b>903</b>	<b>1,068</b>	<b>165</b>	<b>5,033</b>
<b>Community Facilities &amp; Services Total</b>	<b>3,110</b>	<b>3,244</b>	<b>134</b>	<b>19,636</b>
<b>Governance and Strategy</b>				
Central City Carpark Upgrades & Improvements	7	0	(7)	201
New Airport Evaluation	0	0	0	370
Parihaka Transmission Mast Upgrade	0	0	0	913
<b>Governance and Strategy Total</b>	<b>7</b>	<b>0</b>	<b>(7)</b>	<b>1,485</b>
<b>Planning &amp; Regulatory</b>				
Dog Pound Renewals	123	186	63	668
<b>Planning &amp; Regulatory Total</b>	<b>123</b>	<b>186</b>	<b>63</b>	<b>668</b>
<b>Support Services</b>				
<b>Business Support</b>				
Civic Centre	1,347	3,051	1,705	12,206
Council Vehicle Replacements	94	74	(21)	295
Furniture Renewals	2	8	6	32
Information Centre Upgrade	0	126	126	126
<b>Business Support Total</b>	<b>1,443</b>	<b>3,259</b>	<b>1,816</b>	<b>12,658</b>
<b>District Development</b>				
Commercial Property Renewals & Improvements	0	0	0	0
<b>District Development Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ICT</b>				
Asset Management Mobility	0	0	0	0
Asset Management Software Upgrade	77	173	96	996
Business Improvement Projects	0	0	0	102
CiA Upgrade	62	153	90	955
Corporate Performance Management	0	4	4	322
Customer Access - Online Services	0	0	0	50
Digital District Plan and Policies Online	0	0	0	51
Digital Platform	83	109	26	384

	Actual YTD \$000	Revised Budget YTD \$000	Variance YTD \$000	Full Year Revised Budget \$000
Digitisation of Records	87	41	(46)	288
IT Equipment New	0	15	15	53
IT Equipment Replacement	156	75	(81)	339
IT Network Upgrades	0	0	0	0
Minor ICT Projects	0	0	0	83
Mobility Technology - Building	3	3	0	117
Platform as a Service	36	25	(11)	428
Software Application Integration	0	0	0	0
Upgrade Kete SharePoint	0	0	0	261
<b>ICT Total</b>	<b>506</b>	<b>598</b>	<b>92</b>	<b>4,430</b>
<i><b>People &amp; Capability</b></i>				
Office Furniture	0	7	7	40
<b>People &amp; Capability Total</b>	<b>0</b>	<b>7</b>	<b>7</b>	<b>40</b>
<b>Support Services Total</b>	<b>1,949</b>	<b>3,863</b>	<b>1,914</b>	<b>17,128</b>
<b>Total</b>	<b>15,136</b>	<b>19,277</b>	<b>4,141</b>	<b>92,085</b>

### CAPITAL PROJECT EXPENDITURE AS AT 30 SEPTEMBER 2020





## 8.3 Te Tai Tokerau Worker Redeployment Funding Package update

**Meeting:** Whangarei District Council  
**Date of meeting:** 22<sup>nd</sup> October 2020  
**Reporting officer:** Calvin Thomas (General Manager – Northland Transportation Alliance)

### 1 Purpose

To provide an update on progress across the District and Region with the work and Social Procurement objectives related to the MBIE funded “Te Tai Tokerau Worker Redeployment Package”

### 2 Recommendation

That the Council notes the contents of the attached MBIE progress report detailing project progress to end of September 2020.

### 3 Background

At the Council meeting of Thursday 28<sup>th</sup> May 2020, Council:

1. Approved Council entering into an agreement with the Ministry of Business Innovation and Employment to receive \$9.32m of funding to be used for local worker redeployment.
2. Approved Council entering into agreements with the Northland Councils (Far North District Council, Kaipara District Council and 7 Northland Regional Council) and the New Zealand Transport Agency to ensure delivery of the agreement in item 1, and;
3. Delegated to the Chief Executive the authority to finalise the terms and conditions of the agreements in recommendations 1 and 2.

Further to the above, at the Council meeting of Thursday 27<sup>th</sup> August, Council:

1. Approved Council varying the existing agreement with the Ministry of Business Innovation and Employment to receive an additional \$4m of funding for storm repair program acceleration and associated operational and capital expenditure to address flood damage in Northland (specifically \$2m funding in Far North and \$2m funding Whangarei Districts) related to roads, culverts, drains, parks, stormwater and other storm impacted Council Infrastructure;
2. Approved Council varying the existing agreement with Far North District Council to ensure delivery of their component of the agreement in recommendation 1, and;

3. Delegated to the Chief Executive the authority to finalise the terms and conditions of the variation agreements in recommendations 1 and 2.

The Social Procurement objectives related to the initial funding were agreed in June 2020, with the first components of physical works commencing in July 2020.

## **4 Discussion**

The entitlement to payment of the funding is linked to key funding milestones, of which the primary milestone is the provision of a detailed monthly report on the 3<sup>rd</sup> business day of each month outlining:

- Physical works progress for the month
- Planned work to be completed in next month
- Progress towards the achievement of the agreed Social Procurement Objectives

A copy of the September Monthly report is included as an attachment to this report to provide Council with visibility of progress to date.

## **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

## **6 Attachment**

Monthly Report for September 2020 Whangarei District Council Redeployment Package

# MONTHLY REPORT




## Te Tai Tokerau Worker Redeployment Package

<b>Location and Region:</b>	<b>Te Tai Tokerau\Northland</b>
<b>Contracted Amount:</b>	<b>\$9.32 million</b>
<b>Report Date:</b>	<b>For the month ending 30<sup>th</sup> September 2020</b>
<b>Programme Outcomes:</b>	<ul style="list-style-type: none"> <li>• prioritise the employment of local workers displaced by the COVID economic crisis;</li> <li>• occur at pace, time being critical; and</li> <li>• assist in meeting the social procurement objectives agreed between the parties</li> </ul>

### 1. Project Updates

Provide description and analysis of actual against planned progress of each Project Element to show that the Project is occurring at pace.

<b>Project Element</b>	<b>Details of progress</b>
1. Removal of self-seeded roadside trees	<p>To achieve efficiencies in traffic control resources required to undertake the removal of self-seeded trees and roadside litter, these tasks were undertaken simultaneously using one crew, allowing maximum return on investment.</p> 

Self-seeded trees were removed from road-sides, improving roadside aesthetics and functionality of drains and culverts.

**Before**



**After**



**2. Roding sightline improvements and vegetation clearance**

Due to the specialist nature of this work, the removal of roadside vegetation has been sub-contracted to Arborist360. This company was chosen because of its innovative approach to safety, efficiency and quality.

The risks and inconveniences of traditional methods of removing trees by the roadside include:

- Tree debris (pine cones and small branches) flicking onto the road causing hazards
- Disruption to traffic
- Limited or awkward workspace surrounding the work site
- Requirement for night-work when traffic flows are low
- Resources of locally available skilled arborists required for this work is largely booked until December and therefore also costly to contract.

Arborist360 has pioneered mechanisation of tree-felling in New Zealand with the development and implementation of an automated tree removal system, Tree Mek. Tree Mek's remotely-controlled knuckle boom crane allows access to awkward or confined spaces with greater precision. The Tree Mek's saw is operated from the safety of the ground below, vastly reducing costs and risk associated with workers using cutting machinery at heights.

Arborist360's Tree Mek allows us to complete this work in a timely manner, while improving safety, eliminating debris on roads and minimising disruption to traffic, thereby improving efficiency in roadside tree-removal.

#### Arborist360's Tree Mek in Operation



Arborist360 has been undertaking significant work around the SH1N/Ross Road intersection which was a high priority site given its location on the side road on the inside of a high-speed corner, and close to the termination of a passing lane. The work has involved removing trees to reduce shadowing for vehicles using SH1N and to allow customers turning out of Ross Road to have better visibility up and down SH1N.

Arborist360 have also been working around the Wooden Wheel south of Warkworth where a section of SH1N is tightly encapsulated with dense vegetation around a high-speed left-hand bend. Opening the canopy will improve lighting and improve sight distance for road users and property owners with accesses through this area.

Several site assessments are still underway to prioritise the best use of funding across the network for sight lining.

#### 3. Roadside litter collection and clean-up

- W/c Monday 31 August 2020: 600Kg of rubbish taken from SH14
- W/c Monday 07 September 2020: 680kgs of rubbish that was taken from SH14.
- W/c Monday 14 September 2020: 220Kg (29 Black rubbish bags) taken from SH1 North Whakapara and 240Kg (47 black rubbish bags) taken from SH14 Dargaville
- W/c Monday 21 September: 220Kg (24 Bags) of rubbish removed from SH14 Flowers Hill

**4. Removal of known Road side hazardous trees**

**FNDC –**

**Puketotara Rd clearing of Macrocarpa Trees is complete.**



*Before*



*After*

The Paia Rd tree has been removed. A large dead pine overhanging letter boxes at driveway entrance.



The removal of 11 large gum trees on Waipapa Rd started on Monday 28th. We have waited until the school holidays to complete this project to reduce inconvenience as this is a very busy location with high volumes of traffic and local interest. A letter drop has been done to advise residents of the planned activity. This has received a positive response and is fully supported by the residents.



**WDC**

- Trees have been identified recorded in RAMM and approved, of which 90% have been consented to by the adjacent landowners, and written agreements are in place.
- Permits and notifications are in place where applicable (Northpower and WorkSafe)
- Our contractor North End Tree Services have employed extra resources to be able to accommodate the approved program. Traffic Management staff have been employed by Fulton Hogan.
- Physical works is commencing Monday the 5th October.

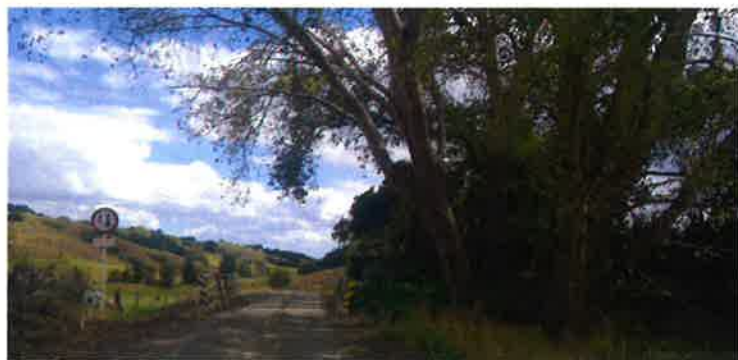
**KDC –**


Programming and planning of works have continued into September with works commencing on the Waihue and Paparoa Oakleigh Road Sites.

- Waihue Road – Dispatch ID 139543 - RP 1137
  - Accelerated removal of a leaning Wattle Tree was undertaken due to increased movement noticed by T8 over consecutive days whilst working in the area.



- Omana Road – Dispatch ID 97992 – RP 1246
  - Dangerous leaning Poplar tree overhanging bridge asset removed by T8 Tree services.

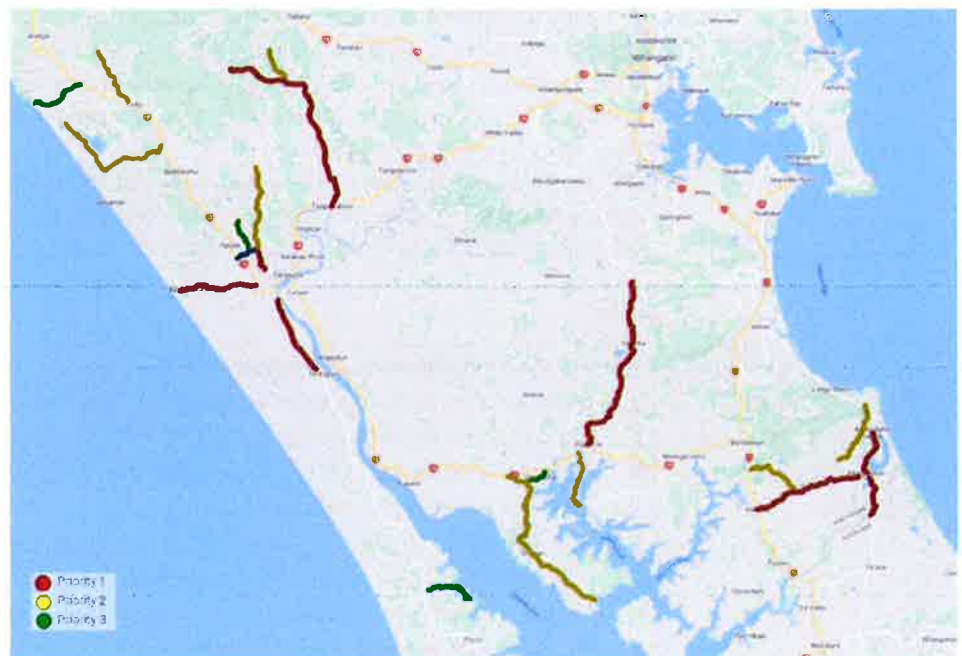


	<ul style="list-style-type: none"> <li>• Paparoa Oakleigh Road <ul style="list-style-type: none"> <li>○ Works have commenced on this site with 1 out of 12 sites completed as of COB on the 30th Sept</li> </ul> </li> </ul> 
<p>5. Removal of self-seeded roadside trees</p>	<p><b>FNDC</b> – Spraying has commenced across the district. Some self-seeding trees are being sprayed and felled by the same team as doing noxious weeds while larger trees under this programme will be removed by arborists due to the proximity to the road.</p> <p><b>WDC</b> – Removal of self-seeded wilding pines were undertaken this month at the following locations:</p> <ul style="list-style-type: none"> <li>○ Kerr Road / Kirikopuni Road / Kiteone Road / Nook Road / Ocean Beach Road / Ody Road / Opouteke Road / Reotahi Road / Riponui Road / Ross Road / Taiharuru Road / Takitu Road / Taraunui Road / Vinegar Hill Road / Whananaki North Road / Whangarei Heads Road - Craig Road / Whangarei Heads Road - Darkies Hill / Wright Road</li> </ul> <p><b>KDC</b> - Sub-contractors have been engaged and sites programmed. Waihue Road has been identified as a primary site of focus for the removal of self-seeded trees.</p> <p>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. These works are due to commence on the 7th of October.</p>
<p>6. Roadside litter collection and clean-up</p>	<p><b>FNDC</b> - The southern team have completed all but the marathon route to be held on November 21<sup>st</sup> (this will be completed prior to event). In the North roads to beaches in area on the East Coast were completed: Karikari Peninsular, Kaimaumau, Houhora Heads Matauri Bay, Wainui Tauranga Bay, Hlhi for example. As funds allow the approaches to the small towns of Broadwood, Kohukohu and Pangaru in the North Hokianga will be done to provide some social benefit to these outlying communities.</p>

**WDC** – This month's activity for this work has been incorporated in clean-up of litter and vegetation on the roadside at the northern entrance to the city – Great North Road.



**KDC** - 23 Roads have been identified (as shown on map below) across the KDC network based on their One Network Road Classification (ONRC), connection, and tourism value.



A crew of 4 has commenced the roadside litter collection programme with Baylys Coast, Awakino, Parore West, Opanake, and Waihue Roads being completed, with Tangowahine Valley Road having commenced 178 bags of rubbish has been collected and disposed of to date.



<p>7. Spot Spraying Noxious Weeds</p>	<p><b>FNDC</b> - The sight rail team from Ventia (ex. Broadspectrum) is made up of a 1 Ventia supervisor/STMS and 4 AWF personnel of varied backgrounds (timber yard, Pizza shop owner, underground drilling, and forestry general hand). The programmed work for this project has progressed well and has not cost what was initially estimated, allowing a lot more to be programmed. Roads completed to date: Te Ahu Ahu, Otiria, Russell-Whakapara, Wakelin, Kent.</p> <p><b>WDC (Roading)</b> – This month’s activity for this work has been incorporated in clean-up of the roadside at the northern entrance to the city – Great North Road.</p> <p><b>KDC</b> - Contractors have been engaged locations and estimates are confirmed. Localised spray letter drops are to be undertaken and the programme will commence early October.</p> <p><b>WDC Parks</b> - Work started early September with weed removal works at Ruakaka Wildlife Refuge. Good progress is being made with the 2 FTEs working alongside Recreational Services staff.</p>
<p>8. Sight Rail Improvements (3# districts)</p>	<p><b>FNDC</b> – All sight rail locations have been inspected and work programmed, with intent to upskill and utilise the litter collection workers for completion of these tasks.</p> <p><b>WDC</b> - Potential sites have been identified and is to be completed in November. Blackwell contractors who are doing the work will also be assisting the hazardous tree works with any fencing requirements. They are a very new and small operation who have struggled with finding work.</p> <p><b>KDC</b> - All sight rail locations have been inspected and work programmed. Due to the limited budget and scope of this project, the works will be predominantly undertaken by existing Ventia staff, with additional support as required.</p> <p>To date, 2 sight rails on Baylys Coast Road have been brought in-line with the NZTA spec.</p>
<p>9. Kaipara District Council Parks - Vegetation clearance &amp; clean ups - Kai Iwi Lakes &amp; Pou Tu o Te Rangi</p>	<p>Works have commenced and are progressing well in the following sites;</p> <ul style="list-style-type: none"> <li>• Mangawhai Community Park - Removal of Gum Trees and Wilding Pines completed. Mulching and preparation for revegetation underway.</li> <li>• Mangawhai Park – Golf Course Area, Removal of Wilding Pines, Acacia and other pest Plant Species completed.</li> <li>• Pou Tu o Te Rangi - Pest Plant Removal, clearance and implementation of pest plant plan significantly completed, with preparation for revegetation underway.</li> <li>• Northern Wairoa Memorial Park - pest plant eradication through bush reserve area completed. Remediation of bush walking track underway.</li> <li>• 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.</li> </ul>
<p>10. Whangarei District Council Parks - Vegetation clearance &amp; clean ups</p>	<p>Workers continue to predominantly be based on the Tikipunga shared path project (item 13), having now crossed the stream and now undertaking fence removal, weed removal, setting out and laying the base course of the new section. The team also assisted in a planting day at Otaika Sports park.</p>
<p>11. Far North District Council Parks - Vegetation clearance &amp; clean ups</p>	<p><b>Broadleaf spraying of reserves</b> Baysport, Kerikeri Sports fields, Ranui Reserve, Opito Bay, Rangitane Reserve, Paihia Foreshore, Paihia Village Green, Kaikohe and Paihia Cemeteries, Mangonui Monument, Rawene old courthouse, Rawiri Reserve.</p> <p><b>Scrub cutting and stump poisoning</b> Waiototara Reserve, Kendall Rd walkway, Peacock gardens, Rangitane, Windsor Reserve, Monument Hill, Taheke reserve, Matthews Park, Parkdale Drive riverbanks, Allen Bell Drive, Sun Rae Park, Scout Park, Awanui.</p>

12. Northland Regional Council - Rivers & Beaches Vegetation clearance & clean ups	3rd month into the project, the crew are continuing with collection of rubbish from illegal dump sites around the region, either reported or identified through patrols. 2.390 tonne of waste material collected for the month.																																			
13. Tikipunga cycle trail - Stage 1 - (Totara Parklands to Whangarei Falls)	<p>Good progress on the cycle trail (see photos below). Around 600m completed and now NPC and the Trust workers have started on the 1km stretch on the other side of the stream.</p> <p>A bridge is required to link the 2 sections which will be funded from MBIE CIP Share Path /cycleway funding recently allocated.</p>																																			
14. New Footpaths (3# districts) missing links in existing urban network	<p><b>FNDC –</b></p> <ul style="list-style-type: none"><li>Detailed Designs received</li><li>Pre-engagement meeting with the maintenance contractors (Broadspectrum - BRS and Fulton Hogan - FH) completed</li><li>Road Safety Audit - RSA underway for Signal Station Road</li><li>Construction (BRS) of Blacks Road Footpath started on 28th September</li><li>NTC issued to FH for (3) Footpaths (Point Rd, Mamaru Rd, and Foreshore Rd)</li><li>Donald Lane site placed on hold due to insufficient budget.</li></ul> <p><b>WDC –</b></p> <ul style="list-style-type: none"><li>Detailed Designs received</li><li>Pricing underway</li><li>RSA for Ngunguru Road Completed</li><li>Detailed designs for One Tree Point Road completed and contractor commencing site works on 5<sup>th</sup> October</li></ul> <p><b>KDC –</b></p> <ul style="list-style-type: none"><li>NTC issued to contractor (Broadspectrum) for construction.</li></ul>																																			
15. Accelerated Unsealed network grading program	<p><b>FNDC –</b> Roads have been identified and confirmed. Bonnets Rd in the North will be done within 2 weeks however the main Wet Roll &amp; Grade (WRG) programme is not due to commence until November.</p> <p><b>WDC –</b> Sites identified for commencement in November</p> <p><b>KDC –</b> Improvements to Jude road were undertaken to enable the turning of truck and trailer units, providing easier access for future maintenance.</p>																																			
16. WDC Storm Response works	<p>Storm Response scope confirmed and submitted to MBIE</p> <p>Progress to date shown below:</p> <table><tr><th>Work Type</th><th>Total</th><th>Expenditure</th><th>% Complete</th><th>Comments</th></tr><tr><td>Stormwater, Waste &amp; Drainage (retrospective)</td><td>\$ 163,943.90</td><td>\$ 163,943.90</td><td>100%</td><td>Retrospective costs</td></tr><tr><td>Stormwater, Waste &amp; Drainage (work to complete)</td><td>\$ 405,865.08</td><td>\$ -</td><td>1%</td><td>Work recommenced on site @ Riverside Drive on 28th September - remove old culvert/prepare for pipe arrival 8 October</td></tr><tr><td>Parks (retrospective - completed or committed)</td><td>\$ 490,341.25</td><td>\$ 388,213.40</td><td>79%</td><td>Works continued on Parks, Tracks and Walkway damage repairs</td></tr><tr><td>Parks (work to complete)</td><td>\$ 290,600.00</td><td>\$ 25,000.00</td><td>9%</td><td>Works completed on Lovers Lane Pedestrian Bridge</td></tr><tr><td>Roading - Priority 1 &amp; 2</td><td>\$ 650,333.99</td><td>\$ 74,433.58</td><td>11%</td><td>Work associated with 2 of 21 activities has been completed</td></tr><tr><td></td><td>\$ 2,001,084.22</td><td>\$ 651,590.88</td><td>33%</td><td></td></tr></table>	Work Type	Total	Expenditure	% Complete	Comments	Stormwater, Waste & Drainage (retrospective)	\$ 163,943.90	\$ 163,943.90	100%	Retrospective costs	Stormwater, Waste & Drainage (work to complete)	\$ 405,865.08	\$ -	1%	Work recommenced on site @ Riverside Drive on 28th September - remove old culvert/prepare for pipe arrival 8 October	Parks (retrospective - completed or committed)	\$ 490,341.25	\$ 388,213.40	79%	Works continued on Parks, Tracks and Walkway damage repairs	Parks (work to complete)	\$ 290,600.00	\$ 25,000.00	9%	Works completed on Lovers Lane Pedestrian Bridge	Roading - Priority 1 & 2	\$ 650,333.99	\$ 74,433.58	11%	Work associated with 2 of 21 activities has been completed		\$ 2,001,084.22	\$ 651,590.88	33%	
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17. FNDC Storm Response works	Storm Response scope in process of being finalised for submission to MBIE in week commencing 5th October 2020.																																			

## 2. Redeployment Outcomes

2.1 Please complete the following table for the number of people working to deliver the project in the current reporting period.

Project Element	Total People Working	Previously Unemployed	Local	Youth (15-24)	Māori	Pasifika	Women	Job type (Part Time/Full Time/ Contractor)
1. Removal of self-seeded roadside trees	12	5	12	4	3	1	5	Fulltime (12)
2. Roadside sightline improvements and vegetation clearance								Sub-contractor: Arborist360
3. Roadside litter collection and clean-up								Same resources as item 1
4. Removal of known Road side hazardous trees	36	6	36	8	19	2	3	Full Time Contractor
5. Removal of self-seeded roadside trees	20	10	19	6	5	0	1	Full Time Contractor
6. Roadside litter collection and clean-up	24	20	23	8	13	2	15	Full Time Fixed Term
7. Spot Spraying Noxious Weeds	17.5	8	14	5	4	0	1	Combination of Contractor staff & redeployed workers
8. Sight Rail Improvements (3# districts)	2	1	2	0	1	0	0	FNDC - Will utilise litter collection resources
9. Kaipara District Council Parks - Vegetation clearance & clean ups - Kai Iwi Lakes & Pou Tu o Te Rangi	43	23	39	15	29	1	9	3 x Contractor 21 x Full time for duration of project 22 x Part-time assisting with Project
10. Whangarei District Council Parks - Vegetation clearance & clean ups	2	2	2	0	2	0	2	2 new FTE employed by Te Hau Āwhiowhio o Otangarei Trust
11. Far North District Council Parks - Vegetation clearance & clean ups	6	5	6	0	5	1	1	Fulltime fixed term
12. Northland Regional Council - Rivers & Beaches Vegetation clearance & clean ups	11	10	10	7	10	1	0	Fulltime (Includes 1 existing Contractor Supervisor)
13. Tikipunga cycle trail - Stage 1 - (Totara Parklands to Whangarei Falls)	10.5	8	8	4	6	1	2	8 FTE - employed by Te Hau Āwhiowhio o Otangarei Trust 2.5 existing FTE - employed by Northland Park Care
14. New Footpaths (3# districts) missing links in existing urban network	0							Physical Work yet to commence
15. Accelerated Unsealed network grading program	3	0	2	0	1	0	0	Majority of physical Work yet to commence
<b>Target</b>	<b>165</b>	<b>50</b>		<b>30%</b>	<b>45%</b>	<b>5%</b>	<b>20%</b>	
<b>Actual to date</b>	<b>187</b>	<b>98</b>		<b>30%</b>	<b>52%</b>	<b>5%</b>	<b>21%</b>	

2.2 Complete the following total jobs table, showing total current employed, previously employed and expected future jobs in the project.

Current jobs (this should be the same as Total People Working in the table above)	People previously but no longer employed on the project	Expected jobs in the future
187	26	25+

### 2.3 Provide any additional narrative to explain the table or give other relevant information.

#### **FNDC Local Contractor Feedback –**

Team Vegetation are the sub-contractors in the northern area and have engaged additional staff. The company have provided the following comment - *"We are in the process of employing an additional 3 staff through funding from this MBIE programme. This has also enabled Team Veg to keep staff on that we have as we had some tough months during Covid. New staff we are taking on are personnel who MSD have recruited for us, ones who had been affected by Covid. We are hoping to give them continuous work through our season following completion of this MBIE funding."*

Town and General are the spray contractors in the south. They have informed us that this program has given them confidence to recruit 3 staff earlier than planned for their season going forward.

Both O'Rourke and Sons and Boss Logging have indicated that when logging prices fell, and the logging industry was shutting down, the MBIE funding allowed them to retain existing, trained and experienced personnel rather than requiring the hiring of additional staff. This principal also applies to the traffic management company used by the contractors where staff retention was more valuable rather than employing and training.

#### **FNDC resources no longer engaged on project (21) –**

The forestry crew engaged for the initial hazardous tree location at Puketotara Rd completed the job in early September. They then removed the tree at Paia Rd, and their engagement finished with this project. They have since started the tree removal aspect at Ruapekapeka Rd funded by PGF. (This accounts for the 16 of the 21 no longer engaged). 4 people engaged for litter pick up have since been employed by the contractor for other duties and will return to complete the marathon route litter pick up in November. The remaining person left the sight rail crew as he was not suited to either the work required or the team he was with.

#### **WDC Contractor feedback:**

This funding has provided us and our subcontractor's confidence to be able to employ new staff as indicated by the numbers. The Fulton Hogan staff have been employed fulltime and will be utilised throughout the business where applicable once this work has been completed.

#### **KDC Roding activities resourcing:**

T8 Traffic management have been contracted as specialist operators to undertake the felling of hazardous trees. 3 of the 6-man team are freshly employed within the last 2 months. AWF have been utilised to quickly get people employed, and out working. AWF have been working closely with MSD in order to produce a suitable labour pool for the delivery of the works programme.

#### **KDC Parks:**

Currently 43 jobs employed as part of the current stages of works, of which 2 x contractors were involved in some of the preliminary works, and are currently not employed in the project, however may be required for future stages of the works. Of the 43 employed, 22 of these are part-time engaged in assisting with the works in roles such as administration and traffic control duties as required. There are currently further stages of the works being finalised at present such a planting and revegetation, which is expected to require a further 10 + new workers to complete.

#### **NRC:**

Consistent crew for the 3rd month, the team appreciate the work and the opportunity to learn new skills. These workers have gained a lot of experience, confidence, life and industry skills and qualifications (all are signed onto a Level 2 Forestry qualification). We are still yet to complete the testing for the remainder staff with goal is to have everyone drug free by the end of the project.

#### **WDC Parks – Weed clearance**

Locals have been struggling to hold back the weeds at this reserve. Earlier in the year a weed management plan was developed between NRC and WDC. This funding has given this a huge boost. It involves weed management in a fragile dune environment. Weed clearance includes chain saw work, cutting and pasting and spraying weeds. After 3 weeks on the job one worker has found work and left and been replaced. The team also planted around 500 pingao and spinifex. (Photo right – Joy, one of our new workers).



### 3. Supplier Diversity Outcomes

Please complete the following table for the number and value of each direct or sub-contract awarded to local, Māori and/or Pasifika-owned businesses during the current reporting period.

Name of business	Business type (Māori, Pasifika, local)	Contract type (direct, sub-contract)	Contract purpose (briefly describe)	Length of contract (months)	Total value of contract (\$) (Approx)	No. new employees (as a result of contract)
T8 Traffic Control Limited	Local	Sub-Contract	Opportunity for local branch to grow and create new jobs. Contribution to contract purpose by providing Traffic Management	On-going	TBC	1
O'Rourke Contractors	Local	Sub-Contract	Mechanical and chain saw tree felling and mulching	1 month	\$ 137,000	1
Boss Logging	Maori	Sub-Contract	Mechanical and chain saw tree felling and mulching	2 months	\$ 275,000	1
Team Vegetation	Local	Sub-Contract	Gun spraying noxious weeds	2 months	\$ 75,000	2
Tag	Local	Sub-Contract	Noxious weed spraying and seedling control (FNDC & WDC)	5 months	\$ 125,000	4
Northern Tree Works	Local	Sub-contract	Climbing to remove limbs and tree felling	2 months	\$ 138,000	0
Top Energy	Local	Sub-contract	Removing seedlings and tree felling	2 months	\$ 152,000	0
Allied Work Force (AWF)	Local	Sub-contract	Labour hire for sight rail repair	2 months	\$ 168,000	9+ *
* The staff hired from AWF in the Far North will be the same crew who will be working on sight rails for Fulton Hogan. The entire available members of AWF have been engaged for this project and there are no other available agencies in the area. One difficulty is attracting staff who will pass the drug free policy of both AWF and Fulton Hogan.						
North End Contractors	Local	Subcontract	Tree removal	5 months	\$ 300,000	3
Blackwell Contractors	Local	Subcontract	Sight-rail modifications	1 months	\$ 50	2
T8 Tree Services	Local	Direct contract	Traffic Management & Tree Work	3 months	\$ 260,000	5
Te Hau Awhiowhio O Otangarei Trust	Maori Entity	Direct	Parks - Vegetation clearance & clean ups and Tikipunga cycleway	4 months	\$ 202,905	8
Northland Park Care (NPC)	Local	Direct	Cycleway construction & staff supervision	4 months	TBC	0
Orang Otang Tree Trimmers / Kia Tupato	Local supported by Maori owned Traffic Management Company	Direct	Removal of pest plants within Kaipara Parks	5 months	\$ 323,800	8
Turf Tamer	Local	Direct	Removal of pest plants within Kaipara Parks	5 months	\$ 131,900	0
Te Roroa Group	Maori/Local Iwi owned business	Direct	Removal of pest plants within Kaipara Parks	5 months	\$ 376,200	11
Te Uri o Hau Settlement Trust	Maori/Local Iwi owned business	Direct	Supply and planting of plants for revegetation	1month + follow up	\$ 72,550	0
Andrew Younger Contracting	Local	Direct	Preparation of area for removal of pest plants	1 month	\$ 44,108	0
Downer NZ / TEAM Vegetation	Local based (Downer) Local (TEAM Vegetation)	Direct (Downer) Subcontract (TEAM Veg)	Removal of pest plants within Kaipara Parks	2.5 months	\$ 113,971	2
Waterway Specialists	Local – Mangawhai based	Direct	Removal of pest plants within Kaipara Parks	2.5 months	\$ 55,000	3
J.C.L	Local	Direct	Re-employ people directly impacted by Covid-19 to clear illegal dump sites adjacent to waterways	3.5 months	\$ 200,000	10
					<b>\$ 3,150,484</b>	<b>60</b>

#### 4. Social Procurement Objectives

Please provide details of achievements to date against your agreed social procurement objectives.

State your Social Procurement Objectives (as agreed within two weeks of contracting)	Show achievements to date against each of the Social Procurement Objectives	Provide additional narrative to show how tendering, procurement, employment and/or training arrangements are helping to achieve the Social Procurement Objectives, identifying any limitations or further support needed.
<p><b>Targeted employment:</b> Employment targets that apply to the 165 workers employed:</p> <ul style="list-style-type: none"> <li>a. 45% Maori</li> <li>b. 5% Pasifika</li> <li>c. 20% Women</li> <li>d. 30% Youth (18–24 years)</li> </ul> <p>Note – while the above add to 100%, employed workers may cover multiple categories and therefore not all engaged workers will come from these target groups.</p> <p>Of the 165 workers employed, at least 50 are to be 'new' (fixed term) roles for people displaced due to Covid-19 and still unemployed.</p>	<p>Refer to employment table – section 2.1</p>	<p><b>Waka Kotahi (NZTA):</b></p> <p>Opportunity given to previously unemployed locals to re-enter the work force, with two of these people accepting our offer of permanent positions at Fulton Hogan.</p> <p><b>FNDC Roading:</b></p> <p>Three redeployed workers have since been engaged as permanent employees, with Ventia (previously Broadspectrum) funding their training in Traffic Control.</p> <p>The crew employed by Fulton Hogan for litter collections will be trained in sight rail repair and modification to continue their employment with Fulton Hogan.</p> <p><b>KDC Roading:</b></p> <p>3 additional jobs have been created in the Tree felling crews and 4 short term positions have been filled for litter pick up, 2 of which are freshly employed.</p> <p>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.</p> <p><b>FNDC Parks:</b></p> <p>We are currently working through the possibility of one person staying on in a permanent position once this project has been completed.</p>

<p><b>Local (regional) businesses prioritised for employment:</b></p> <p>40% of direct contract and sub-contract values will be awarded to businesses owned and operated by people who reside in the region</p>	<ul style="list-style-type: none"> <li>Refer to Section 3 of report</li> </ul>	<p><b>KDC Parks:</b></p> <p>Turf Tamer is a small locally owned business who had recently invested in a specialist low ground impact, remote controlled mulching machine to undertake vegetation clearance and waste vegetation recycling. Unfortunately, the COVID-19 lockdown hit this business very hard financially just as they were establishing the new venture.</p> <p>The work through the Kaipara District Council Parks – Vegetation clearance &amp; clean ups has provided an immediate work and income stream that has saved the business from possible closure.</p> <p>The work has also provided new relationships with other businesses and organisations with Turf Tamer now engaging one of the Te Roroa Group team to assist with works in Mangawhai Park and Taharoa Domain.</p>
<p><b>Maori and Pasifika enterprises prioritised for employment:</b></p> <p>15% of the direct contract and sub-contract values will be awarded to Maori or Pasifika enterprises.</p>	<ul style="list-style-type: none"> <li>Refer to Section 3 of report</li> </ul>	
<p><b>Skills and training delivered:</b></p> <p>Provide training relevant to the requirements pre/post and throughout the project to ensure all staff are appropriately skilled, qualified, and safe in the workplace.</p>	<p><b>Waka Kotahi (NZTA):</b> Integrating new staff members into field operations and sharing knowledge and corporate approach.</p> <p><b>FNDC Roding:</b> Several engaged workers are being trained in Traffic management Level 1</p> <p><b>KDC Roding:</b> All new employees with T8 are working towards level 4 national certificate in arboriculture.</p> <p><b>WDC Parks</b> Additional training for Ruakaka folk is planned this month – Growsafe and chain saw use</p> <p><b>FNDC Parks:</b> The team was sent on a Traffic Controller course in September with all passing successfully.</p>	<p>The crew is getting awareness training for working in field Fulton Hogan buddies them up with experienced staff members. New employees are learning about Hazard/Risk management.</p>

	<p>KDC Parks</p> <ul style="list-style-type: none"> <li>Contract agreements with Te Roroa Group include the provision of Growsafe and Chainsaw Training as part of the project delivery.</li> <li>For the works involving Kia Tupato has provided the opportunity for Traffic Controller &amp; STMS training.</li> </ul> <p>NRC</p> <ul style="list-style-type: none"> <li>All staff registered onto a level 2 national forestry qualification with intent to complete by end of project.</li> <li>Currently looking to identify post-project employment opportunities.</li> </ul>	
<p><b>Improved Conditions for Workers:</b></p> <p>All new employees will undergo pre-employment induction, by the Employer, in accordance with Approved Codes of Practice for Health and Safety for the relevant industry standards.</p> <p>Employers will provide a documented Health and Safety Management System that is effective and meets the requirements of the Health and Safety at Work Act 2015 and the associated Regulations and Codes of Practice.</p> <p>All new employees engaged on fixed term contracts shall receive remuneration consistent with industry standards for their skill level and experience.</p>	<p>All workers have completed respective organisation induction and on-boarding training.</p> <p>Several opportunities being pursued for engaged redeployed workers to transition to full time employment.</p>	
<p><b>Environmental Responsibility:</b></p> <p>Adoption of practices that enable the project to be delivered sustainably, include:</p> <ul style="list-style-type: none"> <li>protecting or enhancing the local ecosystem and its indigenous biodiversity. This tree removal project is focussed on removing pest species trees including wilding Conifers, invasive Poplars and Willows</li> </ul>	<p>FNDC Roding:</p> <ul style="list-style-type: none"> <li>Firewood and mulch have been stockpiled for use by residents</li> <li>Some wood has been offered to support the Fred Hollows fund raising charity.</li> <li>Profits from the firewood generated work on Waipapa Rd are being used to support Junior Rugby in Kerikeri.</li> </ul>	<ul style="list-style-type: none"> <li>Residents near the activities have access to free firewood supplementing heating costs along with landscaping and garden mulch.</li> <li>(Training facilities and equipment more accessible for youngsters).</li> </ul>

<ul style="list-style-type: none"> <li>• Actively seeking to minimise the carbon impact of project delivery, to support the transition to a net zero emissions economy whenever practical.</li> <li>• Minimising waste, re-using materials, and where possible incorporating the principles of the circular economy. Where possible tree debris will be chipped into mulch and felled trees (of appropriate size) will be made available to community groups for distribution.</li> <li>• Build resilience back into areas of work following the removal of the pest trees, (where practical) native trees will be replanted.</li> </ul>	<p>KDC Roading:</p> <ul style="list-style-type: none"> <li>• Most of the wood removed from the Waihue site is to be stockpiled in the Awakino Road refuse centre for future processing into firewood and made free for the community.</li> </ul> <p>KDC Parks:</p> <ul style="list-style-type: none"> <li>• The works being undertaken by Orang Otang Tree Trimmers, includes mulching of tree waste for reuse as ground cover, recovering of gum stems for use as landscape edging, and possible recovery as firewood for community groups.</li> <li>• The works undertaken by Turf Tamer involves a process of mechanically mulching in-situ which provides an initial ground cover prior to further treatment/revegetation.</li> </ul> <p>NRC</p> <ul style="list-style-type: none"> <li>• Identifying hotspots endangering our waterways.</li> <li>• A fully mobile workforce to contain, eliminate any dumps the endanger waterways.</li> </ul>	<ul style="list-style-type: none"> <li>• Arrangements in place with contractors have been focussed on working collaboratively with community and other groups in order to reuse by-products where possible.</li> <li>• Open communication channels between contractor, KDC, and other stakeholder groups have been utilised to seek opportunities for re-use of by-products and recycling where possible.</li> </ul>
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## 5. Financials

Five milestone payment claims totalling \$8,323,333.33 have been claimed and paid by MBIE to date:

Project Element	Received from PGF	Actual Project Expenditure to	Notes
1. Removal of self seeded roadside trees	\$ 225,000.00	\$ 945,000.00	
2. Roding sightline improvements and vegetation clearance	\$ 345,000.00		
3. Roadside litter collection and clean-up	\$ 375,000.00		
4. Removal of known Road side hazardous trees	\$ 1,350,000.00	\$ 338,788.00	
5. Removal of self-seeded roadside trees	\$ 652,500.00	\$ 239,012.00	
6. Roadside litter collection and clean-up	\$ 352,500.00	\$ 117,888.00	
7. Spot Spraying Noxious Weeds	\$ 187,500.00	\$ 22,970.00	
8. Sight Rail Improvements (3# districts)	\$ 150,000.00	\$ 93,211.00	
9. Kaipara District Council Parks - Vegetation clearance & clean ups - Kai Iwi Lakes & Pou Tu o Te Rangi	\$ 1,200,000.00	\$ 725,410.00	Forecast spend is tracking in line with forecast budgets with some works packages substantially completed and others progressing well.
10. Whangarei District Council Parks - Vegetation clearance & clean ups	\$ 150,000.00	\$ 353,190.00	Expenditure on these two activities (+ component of item 7) being managed together
13. Tikipunga cycle trail - Stage 1 - (Totara Parklands to Whangarei Falls)	\$ 300,000.00		
11. Far North District Council Parks - Vegetation clearance & clean ups	\$ 150,000.00	\$ 38,386.14	
12. Northland Regional Council - Rivers & Beaches Vegetation clearance & clean ups	\$ 150,000.00	\$ 144,625.00	
14. New Footpaths (3# districts) missing links in existing urban network	\$ 1,125,000.00	\$ 43,580.00	Design costs incurred to date
15. Accelerated Unsealed network grading program	\$ 277,500.00	\$ 2,117.00	Majority of this work to commence in November
16. WDC Flood Damage repairs	\$ 666,666.67	\$ 651,950.88	
17. FNDC Flood Damage repairs	\$ 666,666.67	\$ 190,852.00	
<b>Total</b>	<b>\$ 8,323,333.33</b>	<b>\$ 3,906,980.02</b>	

Anticipate expenditure values to significantly increase from August onwards as remaining activities are initiated

## 6. Forward Work Programme

Outline forward work to be completed in the next month (not required in the Final Report)

Project Element	Outline of Planned Work (for next month)
<ul style="list-style-type: none"> <li>Removal of self-seeded roadside trees</li> </ul>	Kaikohe, Rawene, Opononi, Mamaranui, Dargaville (2 weeks) SH15 from Maungatapere to Kaikohe: Hotspots in and around each town on the route (2 weeks).
<ul style="list-style-type: none"> <li>Roading sightline improvements and vegetation clearance</li> </ul>	Several site assessments are still underway to prioritise the best use of funding across the network for sight lining.
<ul style="list-style-type: none"> <li>Roadside litter collection and clean-up</li> </ul>	Kaikohe, Rawene, Opononi, Mamaranui, Dargaville (2 weeks) SH15 from Maungatapere to Kaikohe: Hotspots in and around each town on the route (2 weeks).
<ul style="list-style-type: none"> <li>Removal of known Road side hazardous trees</li> </ul>	<b>FNDC</b> – Removal of trees on Peria Rd, Aucks Rd, Russell-Whakapara Rd, Wiroa Rd, Koutu Loop Rd with further locations to be programmed as budget allows. <b>WDC</b> – Starting in the Kokopu / Knight Rd area, priorities to be confirmed once confirmation is received from landowners that access is suitable (has dried out sufficiently) <b>KDC</b> – Removal of trees on Paparoa Oakleigh Road and Waihue Road.
<ul style="list-style-type: none"> <li>Removal of self-seeded roadside trees</li> </ul>	<b>FNDC</b> – Contractors are engaged to do the same roads as Hazardous tree locations. Small self-sown trees will also be sprayed while noxious weed spraying is being done <b>WDC</b> – Program is scattered across the network and will be completed in conjunction with the hazardous tree and noxious weeds spray program. <b>KDC</b> – Removal of trees on Molesworth Drive, Moir Point Road, Opanake Road and Waihue Road
<ul style="list-style-type: none"> <li>Roadside litter collection and clean-up</li> </ul>	<b>FNDC</b> – All but the marathon route to complete in the south and the approaches to the small towns of Broadwood, Kohukohu and Pangaru to complete in the North Hokianga.  <b>WDC</b> – Roads targeted for the next month are: <ul style="list-style-type: none"> <li>Marsden Point Rd</li> <li>Mccathie Rd</li> <li>Nova Scotia Dr</li> <li>One Tree Point Rd</li> <li>Riverside Drive (Tanekaha Dr to Old Onerahi Rd)</li> </ul> <b>KDC</b> – Roads targeted for the next month are: <ul style="list-style-type: none"> <li>Tangowahine Valley Road</li> <li>Omamari West Road</li> <li>Kaiwi Lakes Road</li> <li>Paparoa Oakleigh Road</li> <li>Pouto Road</li> </ul>
<ul style="list-style-type: none"> <li>Spot Spraying Noxious Weeds</li> </ul>	<b>FNDC</b> – Both contractors have started the noxious weed spraying and will continue through the month subject to weather. Wind plays a major part in this programme. <b>KDC</b> – Targeted spraying to be undertaken on Baldrock Road, Kaiwaka Mangawhai Road, Mangawhai Heads Road and Garbolino Road <b>WDC (Roading)</b> – Majority of programme scheduled for completion in November <b>WDC (Parks Component)</b> – Further weed removal work at Ruakaka Wildlife Refuge as well as moving into the City to undertake further weed removal.
<ul style="list-style-type: none"> <li>Sight Rail Improvements (3# districts)</li> </ul>	<b>FNDC</b> – Haruru Fall Rd and Te Karauwha Parade to complete in the south and the North to complete Kaitaia-Awaroa Rd. Matauri Bay Rd, Wainui-Matauri Rd and Wainui Rd to continue if budget allows. This team will be the same as the litter crew. <b>WDC</b> – Majority of programme scheduled for completion in November <b>KDC</b> – Pahi Road site to be completed.

<ul style="list-style-type: none"> <li>Kaipara District Council Parks - Vegetation clearance &amp; clean ups - Kai Iwi Lakes &amp; Pou Tu o Te Rangi</li> </ul>	<ul style="list-style-type: none"> <li>Mangawhai Community Park - Preparation and revegetation planting of selected areas, and groundwork preparation for shared pathway.</li> <li>Kai-iwi Lakes – Taharoa Domain, area wide removal of pest plants and implementation of pest plant plan.</li> <li>Kai-iwi Lakes – Mulching of wilding Acacia stands to provide day visit areas.</li> <li>Pou Tu o Te Rangi - Implementation of pest plant plan continuing, Preparation and revegetation planting of selected areas.</li> <li>Northern Wairoa Memorial Park - Bush walkway remediation works</li> </ul>
<ul style="list-style-type: none"> <li>Whangarei District Council Parks - Vegetation clearance &amp; clean ups</li> </ul>	Continue Parks clean-ups & assist with Tikipunga Cycleway works
<ul style="list-style-type: none"> <li>Far North District Council Parks - Vegetation clearance &amp; clean ups</li> </ul>	Continue with Broadleaf spraying of all sports fields, cemeteries and high-profile areas and Noxious weed growth in coastal areas targeting weeds.
<ul style="list-style-type: none"> <li>Northland Regional Council - Rivers &amp; Beaches Vegetation clearance &amp; clean ups</li> </ul>	Continuing to map roads, rivers and areas of concern for clean-up with trailer loads of rubbish being taken to Kaikohe refuse centre.
<ul style="list-style-type: none"> <li>Tikipunga cycle trail - Stage 1 - (Totara Parklands to Whangarei Falls)</li> </ul>	Continuing to undertake cycleway construction along with fencing and laying base course. At this point it appears there is enough budget to extend the employment contract for all 10FTEs (related to items 10 & 14) until 30 October.
<ul style="list-style-type: none"> <li>New Footpaths (3# districts) missing links in existing urban network</li> </ul>	<p><b>FNDC –</b></p> <ul style="list-style-type: none"> <li>Complete designs and RSA for Signal Station Road and seek quote from the Contractor</li> <li>Review and accept quote from the Contractor for Signal Station Road</li> <li>Proceed required pre-construction activities/ preparations for Signal Station Road and other roads</li> <li>Start construction for other roads</li> <li>Quality Assurance for all roads</li> </ul> <p><b>WDC –</b></p> <ul style="list-style-type: none"> <li>Review and accept quote from the Contractor for Ngunguru Rd, Gillingham, and Tauraroa Rd.</li> <li>Issue NTC's (3) for the above roads</li> <li>Proceed required pre-construction activities/ preparations</li> <li>Start construction for all roads</li> </ul> <p><b>KDC –</b></p> <ul style="list-style-type: none"> <li>Proceed required pre-construction activities/ preparations</li> <li>Start construction</li> </ul>
<ul style="list-style-type: none"> <li>Accelerated Unsealed network grading program</li> </ul>	Roads have been identified and planned for end of November and to December to provide maximum benefit over the summer period
<ul style="list-style-type: none"> <li>WDC Storm Response</li> </ul>	Continuation of works identified in scope document provided to MBIE.
<ul style="list-style-type: none"> <li>FNDC Storm Response</li> </ul>	Finalisation of proposed work scope with MBIE Continuation of identified works

## 6. Risks/Issues/Opportunities

(Any risks and/or issues arising or expected to arise, costs and mitigation)

Funding Item(s)	Risks / Issues	Magnitude / Likelihood	Mitigation
All	Changes to Covid-19 Alert Levels	Severe / Moderate	Work programmes to be adapted to suit restrictions where possible. Contractor risk control plans in place
Roadside Activities	Inexperienced workers engaged in activities in roading corridors	Severe / Rare	Approved Traffic management plans in place. Experienced staff supervising new staff. All employees inducted, daily pre-start meetings etc.
Litter Collection Activities	PPE gear being punctured when handling chemicals, soiled nappies, needles etc.	Low / Medium	Wear all PPE gear allocated, identify object and bags of risk first, use equipment supplied, shovels, spades, pitch forks, rope etc.
All	PCBU H&S Compliance and responsibilities	Significant / Unlikely	Engagement of new resources through existing contract mechanisms. Utilise contractors existing induction and HSQE policies and procedures
All roading related work	The response to the July storm damage continues to put additional pressure on resources, resulting in approximate 1-month delay in commencement of these activities. Head contractors unable to supply traffic control resources for smaller contractors.	High/Low	Continued with pre-planning works to enable initiation.
All roading related work	Unskilled or inexperienced labour working on roadside.	High/Low	Qualified supervision, appropriate traffic management plans and support, Traffic safety devices, beacons, safety vests.
All roadside vegetation clearance work	High risk work being undertaken on roadside	High/Low	Mitigated through engagement of specialist/qualified forestry/arborist resources supported by appropriate traffic management teams.
14.	Complex sites being programmed leading to long design periods, and increased construction duration.	Significant / Unlikely	Programme selection of less complex works not requiring consents. Concept designs completed and early contractor engagement. Final scopes adjusted dependant on actual quotes received for works
13	Opportunity - There is an opportunity if we get confirmation of the MBIE CIP funding for Tikipunga share path (\$500,000) in time we will continue to engage NPC and the Te Hau Awhiowhio O Otangarei Trust to extend the path. This will keep 10 FTEs employed thru Christmas		

## 7. Communications (An update on media, marketing and communications activity for this project)

### General:

The Northland Transportation Alliance contributed an editorial article to The Northern Advocate's feature ["Our Roads, Our Transport in Northland"](#) which included the following summary of this funded program:

*"In May 2020 Te Tai Tokerau received \$9.32m of Central Government COVID-19 economic response funding targeted at providing local employment opportunities through park and roadside vegetation clearance, roadside litter collection and footpath/walkway construction work. Delivery is being led by the NTA and to date there have been over 120 people engaged on the programme, 58 of those who were previously out of work."*

### NZTA Waka Kotahi:

Letter to the Editor (The Northern Advocate) re. Kawakawa to Paihia Roadside:

*It is about time that the New Zealand Transport Agency, Fulton Hogan and their sub-contractors are given credit for a job well-done. Over the last week or so they have been trimming the roadside verges between Kawakawa and Paihia on State Highway 11. They have cut the vegetation off the roadside verges and up the banks for about 2 metres each side. The road feels much safer to drive on with clearer sight lines around corners and motor homes, buses and trucks are no longer scrapping their left-hand side along the manuka and gorse.*

*Well done thanks, keep up the great work!*

*Thank you*

### Recruitment Presentation

A presentation at an employment workshop Rakau Rangatira to held at Te Hau Awhiowhio in Otangarei on 22 September 2020 where the Te Tai Tokerau Redeployment Package was promoted. This will be a platform for Waka Kotahi NZ Transport Agency and Fulton Hogan to promote the programme and possibly identify and recruit new suitable candidates.

### Presentation to Rakau Rangatira



*"Te Hau Awhiowhio and our whanau would like to sincerely thank Fulton Hogan for coming and giving a talk to us about the company. It was incredibly informative about who Fulton Hogan is, how they started, what they look for in employees and what type of roles are available at Fulton Hogan. It was very good to hear about your Health & Safety Policies and how your goal is to get all staff home safe each day whilst also completing work to a very high standard.*

*We appreciate the short notice you were given and still did a fantastic presentation. We have a few people keen on becoming operators now. Once again, my sincere thanks for coming in. It is very much appreciated and is very good for our whanau to hear from employers."*

Northland DHB / Te Hau Awhiowhio

**KDC Parks:**

- Social media updates – Facebook updates have been posted as the work has progressed particularly the Mangawhai Park works (prior to work commencing, as well as during the work). More updates will follow as the work continues.
- Regular updates are provided on the Kaipara District Council website under latest news.
- Specific media communications regarding the works at Mangawhai and Kai-iwi Lakes continue to be featured in the Kaipara Lifestyler and Mangawhai Focus.

**FNDC Roadside Litter Collection:**

The comments below were posted on day one of the litter collection in the north. The litter crews were surprised that their efforts were so appreciated and appeared more motivated.

Car horns and people waving their thanks increased the appreciation that the community were expressing.

**Karikari Area Community Group**

Write a comment...



13h · 🌐

Awesome to see a group of young people picking up the roadside litter on Inland Road today. Thanks to whoever organized this & to the guys & girls doing the mahi. And to those who throw bottles & cans & nappies, fast food waste & etc, from their vehicles please show some respect & take some pride in this community & stop doing so.



43

14 Comments



Like



Comment



Share



it really was not looking nice thank you for doing the Mahi shame people cannot read the sign as they come to visit dont leave your rubbish leave our peninsular beautiful .



2

Like · Reply · 13h



thankyou



3

Like · Reply · 13h



Great job 🙌 Thank you all so much, you are awesome and really appreciated



2

Like · Reply · 13h



wonderful to hear about; thank you to whoever got this organised.

Like · Reply · 13h



1



Kia ora You being a person of influence 🙄. Perhaps we can get some proper signs made up, asking people to have pride in their region, (in this case the Karikari Peninsula), & not to litter etc. I drove from Picton to Farewell Spit in th... See More

Like · Reply · 12h



1



more? the last sign we had made cost nearly \$100 and was stolen within a fortnight. As was one of the tsunami safe zone ones. I think it is more a case of trying to change attitude; maybe we need to keep posting images of the rubbish... See More

Like · Reply · 1m



I was so happy when we drove past today. Thank you to the peeps that put in the work. It looks so much better. Let's all try to keep our paradise as clean as possible.

Like · Reply · 12h



2



Gosh I drove past them this afternoon and they had heaps and heaps of rubbish. Thankyou so much for the work. 🙌🙌

Like · Reply · 12h



2



Great job 🙌. Now can the person who insists on throwing the 'Cody' cans out on Tokerau Beach Rd take the empties home for recycling! Not sure how many I have picked up - grrrr. Please, can people take their rubbish to the bin or recycling - it DOES NOT... See More

Like · Reply · 11h



6



Great job team 🙌🙌

Like · Reply · 11h



3



## 8. Any other information

### NRC

The team have been exposed to other project work, to gain extra skills required post this project, such as planting of pine, manuka and eucalyptus and wilding pine eradication and we will be looking at some chainsaw operation and maintenance work this month.

They have shown they are employable, having a 95% attendance, good work ethic, good communication skills and able to work in a crew and to complete tasks required - very happy where they have progressed to.

## Additional information - Redeployment Activity photos

### NRC Illegal dumping clean-ups



*Example NRC Identified dump site*

### Weed clearance - Ruakaka wildlife refuge project



*2 Rec Services workers (left hand side) and 2 new workers (1 has since left for full time work).*

### Te Hau Awhiowhio O Otangarei Trust /Northland Park care project



*First stage - completed*



*Next stage of pathway now being constructed.*

### Waka Kotahi Roadside Litter collections



**KDC Park clean ups**

*Vegetation clearance/noxious plant removal and ground preparation in Mangawhai Park*

**FNDC Litter Collection**

*The southern team at work*



*And the northern team*

**KDC Sight Rail Works**

**FNDC Sight Rail Works****Under construction****Complete****Before****After**

## Russell- Whakapara

Before



After



**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.*