

Whangarei District Council Meeting Agenda

Date: Thursday, 29 August, 2024

Time: 9:00 am

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

Elected Members: His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

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

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- 7.8 Development Proposal Dent Street
- 7.9 Notice of Motion

8. Closure of Meeting / Te katinga o te Hui

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: 29 August 2024
Reporting officer: Carolyne Brindle (Senior Democracy Advisor)

1 Purpose / Te Kaupapa

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	Topic
Tim Howard, Northland Urban Rural Mission	In support of retaining Maori Wards
Caucus Member – representing Te Kārearea Hapū Appointed Caucus	In support of retaining Maori Wards
John Bain	Democracy
Frank Newman	Democracy

Item 5.1

Whangarei District Council Meeting Minutes

Date: Thursday, 25 July, 2024

Time: 9:00 a.m.

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

In Attendance

His Worship the Mayor Vince Cocurullo

Cr Nicholas Connop

Cr Ken Couper

Cr Jayne Golightly

Cr Phil Halse

Cr Patrick Holmes

Cr Scott McKenzie

Cr Marie Olsen

Cr Carol Peters (Teams)

Cr Simon Reid

Cr Phoenix Ruka

Cr Paul Yovich

Not in Attendance

Cr Gavin Benney

Cr Deborah Harding

Scribe

C Brindle (Senior Democracy Adviser)

Administrative matters

- Meeting livestreamed
- Supplementary report:
 - 6.6 Transition Advisory Board Terms of Reference

1. Karakia/Prayer

His Worship the Mayor opened the meeting with a karakia/prayer.

2. Declarations of Interest / Take Whaipānga

There were no declarations of interest made.

3. Apologies / Kore Tae Mai

Crs Gavin Benney and Deborah Harding

Moved By Cr Scott McKenzie

Seconded By Cr Patrick Holmes

That the apologies be sustained.

Carried

4. Public Forum / Huihuinga-a-tangata

There were no speakers at public forum.

5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council / Whakatau Meneti

5.1 Minutes Whangarei District Council Meeting held 27 June 2024

Moved By Cr Phil Halse

Seconded By Cr Marie Olsen

That the minutes of the Whangarei District Council meeting held on Thursday 27 June 2024, 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

5.2 Minutes Whangarei District Council held 3 July 2024

Moved By Cr Simon Reid

Seconded By Cr Phoenix Ruka

That the minutes of the Whangarei District Council meeting held on Wednesday 3 July 2024, 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

5.3 Minutes Whangarei District Council Meeting held 16 July 2024

Moved By Cr Simon Reid

Seconded By Cr Patrick Holmes

That the minutes of the Whangarei District Council meeting held on Tuesday 16 July 2024, 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 / Whakatau Rīpoata

6.1 Exemptions for Council Controlled Organisations to 25 August 2027

Moved By His Worship the Mayor

Seconded By Cr Paul Yovich

That the Council:

1. Resolves to exempt Springs Flat Contractors Limited as an organisation exempted under Section 7 of the Local Government

Act 2002, for a three year period starting on 25 August 2024 and ending on 25 August 2027.

2. Resolves to exempt Whangarei Waste Limited as an organisation exempted under Section 7 of the Local Government Act 2002, for a three year period starting on 25 August 2024 and ending on 25 August 2027.

Carried

6.2 Temporary Road Closure Request – Northland Car Club September and October 2024

Moved By Cr Simon Reid

Seconded By Cr Marie Olsen

That Whangarei District Council,

1. Approves the temporary closure of the following roads to ordinary traffic for the Northland Car Club Motorsport event series on the following dates in accordance with section 342 (1)(b) and Schedule 10 Clause 11 of the Local Government Act 1974.

Sunday 22 September 2024

Doctors Hill Road, from intersection of Mountfield Road to 400m from SH1.

Period of Closure: 8am to 5:30pm

Sunday 20th October 2024

Sime Road, 200m from intersection with Marsden Point Road.

Kepa Road, complete closure.

Period of Closure: 8am to 5:30pm

2. Approves the temporary closure of the side roads off the roads to be closed for up to 100 metres from the intersection for safety purposes.
3. 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

6.3 Temporary Road Closure Request - International Rally of Whangarei 2024

Moved By Cr Simon Reid

Seconded By Cr Marie Olsen

That the Whangarei District Council:

1. Approves the temporary closure of the following roads to ordinary traffic for the International Rally of Whangarei 2024 on the following dates in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965.

Wednesday 6th November 2024 to Sunday 10th November 2024 (Service Park)

Pohe Island Road, from start to end including the carpark.

Period of Closure: 8am Wednesday 6th November to 8pm Sunday 10th November 2024.

Wednesday 6th November 2024 (Testing)

Hosking Road, from Paparoa Oakleigh Road to Walker Road.

Period of Closure: 8am to 5pm.

Friday 8th November 2024 (Ceremonial Start)

James Street, from Robert Street to Cameron Street - including Cameron Street Mall.

John Street, from Robert Street to Cameron Street.

Cameron Street, from James Street to Walton Street.

Period of Closure: 3pm to 7pm.

Saturday 9th November 2024 (Hikurangi Refuel and community event).

George Street, from Alfred Street to Hill Street (Alfred and Hill streets remain open).

King Street, from George Street to Church Street.

Period of Closure: 7:30am to 3pm.

Saturday 9th November 2024

(Special Stage 1 & 5 HELENA)

Pigs Head Road, from the intersection of Whananaki Road to the bridge at Kaiikanui Road intersection.

Kaiikanui Road, from Pigs Head Road to the intersection of Webb Road & Mimiwhangata Road – including intersection/s with Black

Fern Grove (No Exit), Birdie Track Road (No Exit), Hay Road (No Exit).

Webb Road, from the intersection of Kaiikanui Road & Mimiwhangata Road to gate number 206 Webb Road – including intersection/s with Ngahua Bay Road (No Exit).

Period of Closure: 5:10am to 9:25am and 10:25am to 2:40pm.

(Special Stage 3 & 7 CROWS NEST)

Crows Nest Road, from SH1 to Paiaka Road.

Paiaka Road, from Crows Nest Road to Browns Road – including intersection/s with Wallace Road (No Exit), Rusk Road.

Browns Road, from Paiaka Road to Oetzmans Road.

Oetzmans Road, from Browns Road to Maromaku-Towai Road – including intersection/s with Bolero Road (No Exit).

Maromaku-Towai Road, from Oetzmans Road to Marlow Road.

Period of Closure: 7:40am to 11:40am and 12:55pm to 4:40pm.

(Special Stages 4 & 8 MARLOW)

Marlow Road, from Whangārei District Council Marlow Road Boundary to Riponui Road.

Riponui Road, from Marlow Road to Otakirangi Road.

Otakirangi Road, from Riponui Road to Swamp Road – including intersection/s with Rowlands Road (No Exit).

Period of Closure: 7:55am to 12:10pm and 1:10pm to 4:55pm.

(Special Stage 9 & 10 Pohe Island - Te Matau a Pohe Bridge)

Dave Culham Drive, from Port Road to Riverside Drive - includes Te Matau a Pohe Bridge.

Period of Closure: 2pm to 10pm.

Sunday 10th November 2024

(Special Stage 11 & 15 OTUHI)

Otuhi Road, from SH14 to Codlin Road.

Codlin Road, from Otuhi Road to Tangihua Road.

Tangihua Road, from Codlin Road to Bint Road.

Bint Road, from Tangihua Road to Porter Road.

Porter Road, from Bint Road to Snooks Road.

Period of Closure: 5:30am to 3pm.

(Special Stage 12 & 16 WAIOTIRA)

Ararua Road, from Mititai Road to Hartnell Road - including intersection/s with Wood Street (No Exit).

Hartnell Road, from Ararua Road to Stead Road.

Stead Road, Hartnell Road to Taipuha Road.

Taipuha Road, from Stead Road to Neville Road.

Neville Road, from Taipuha Road to Hosking Road – including intersection/s with Harrison Road.

Hosking Road, closed at intersection of Neville Road and Walker Road.

Walker Road, from Hosking Road to Waikiekie North Road.

Waikiekie North Road, from Walker Road to Paparoa Road.

Period of Closure: 6am to 3pm.

(Special Stage 13 & 17 DURHAM)

Waipu Gorge Road, from Whangārei District Council Waipu Gorge Road Boundary to SH1.

Durham Road, from Waipu Gorge Road to Finlayson Brook Road.

Finlayson Brook Road, from Durham Road to SH1 – including intersection/s with Brooks Road.

Period of Closure: 7:30am to 4pm.

(Special Stages 14 & 18 WAIPU CAVES)

Waipu Caves Road, from 878 Waipu Caves Road to intersection of Mangapai Caves Road and Springfield Road – including intersection/s with Short Lane (No Exit), Palmer Road (No Exit), Waipu Caves Estate Drive (No Exit), Boyd Road (No Exit).

Mangapai Caves Road, from the intersection of Waipu Caves Road and Springfield Road to the intersection of Graham Road and Mangapai Caves Road – including intersection/s with Rountree Road (No Exit), McDonnell Road (No Exit), Ngatoka Road (No Exit), Parry Road (No Exit).

Period of Closure: 8am to 5pm.

2. Approves the temporary closure of the side roads off the roads to be closed for up to 100 meters from the intersection for safety purposes.
3. 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 Connop requested his vote against be recorded.

6.4 Adoption of the draft Whangārei Future Development Strategy for public consultation

Moved By Cr Scott McKenzie

Seconded By Cr Ken Couper

That the Council:

1. Approves the draft Whangārei Future Development Strategy (**Attachment 1**) for public consultation via the Special Consultative Procedure pursuant to section 83 of the Local Government Act 2002.
2. Approves the draft Whangārei Future Development Strategy Technical Report (**Attachment 2**) for public consultation.
3. Delegates the Chief Executive to make any necessary formatting, typographical and administrative changes to the draft Whangārei Future Development Strategy and the draft Whangārei Future Development Strategy Technical Report prior to public consultation.
4. Notes that Northland Regional Council have approved the draft Whangārei Future Development Strategy and the draft Whangārei Future Development Strategy Technical Report for public consultation on 23 July 2024.

Carried

6.5 Regional Economic Development CCO – Northland Inc. Shareholding

Moved By Cr Ken Couper

Seconded By Cr Marie Olsen

That Council:

1. Authorises the Chief Executive to sign the Share Sale and Purchase Agreement relating to the shares on issue in Northland Inc (Attachment 1).
2. Agrees to purchase 10 shares in Northland Inc from Northland Regional Council at a value of \$2 per share and authorises the Chief Executive to sign the Share Transfer Form (Attachment 2) to execute the purchase.
3. Agrees to purchase 10 shares in Northland Inc from Kaipara District Council at a value of \$2 per share and authorises the Chief Executive to sign the Share Transfer Form (Attachment 3) to execute the purchase.
4. Agrees to purchase 10 shares in Northland Inc from Far North District Council at a value of \$2 per share and authorises the Chief Executive to sign the Share Transfer Form (Attachment 4) to execute the purchase.

5. Authorises the Mayor to sign the Northland Inc Shareholder's Agreement (Attachment 5) which includes the Constitution of Northland Inc.
6. Adopts the Terms of Reference for the Joint Regional Economic Development Committee (Attachment 6).
7. Adopts the Policy on the Appointment of Directors to Northland Inc (Attachment 7).
8. Appoints His Worship the Mayor Vince Cocurullo and Deputy Mayor Phil Halse as Council's representatives on the Joint Regional Economic Development Committee and appoints Councillor Carol Peters as the alternative.
9. Appoints His Worship the Mayor Vince Cocurullo as the shareholder representative for Northland Inc delegating all necessary authority to represent Council's interest including but not limited to exercising Council's vote as a shareholder of Northland Inc shareholder meetings and in regard to any shareholder resolutions.
10. Council notes the 2024-34 Long Term Plan only includes funding for years 1 and 2, after which time Council will review future involvement and ongoing funding requirements.

On the motion being put Cr Golightly called for a division:

	For	Against	Abstain
His Worship the Mayor	X		
Cr Nicholas Connop	X		
Cr Ken Couper	X		
Cr Jayne Golightly		X	
Cr Phil Halse	X		
Cr Patrick Holmes	X		
Cr Scott McKenzie	X		
Cr Marie Olsen		X	
Cr Carol Peters	X		
Cr Simon Reid		X	
Cr Phoenix Ruka	X		
Cr Paul Yovich		X	
Results	8	4	

The motion was Carried (8 to 4)

Extra ordinary business

Subsequent to the agenda being circulated Item 6.6 Transition Advisory Board Terms of Reference was distributed separately but not within the timeframe specified in LGOIMA.

The report was not included in the agenda for the reason that the Terms of Reference were not finalised at the time of the agenda closure.

Council are asked to consider this matter at today's meeting to enable the establishment of Transition Advisory Board to commence following decisions made through the Long Term Plan on 16 July 2024.

Moved By Cr Phil Halse

Seconded By Cr Simon Reid

That council consider Item 6.6 Transition Advisory Board Terms of Reference at today's meeting.

Carried

6.6 Transition Advisory Board

Moved By Cr Phil Halse

Seconded By Cr Scott McKenzie

That the Council:

1. Approves the Terms of Reference for the establishment of a Council Controlled Organisation or Council Controlled Trading Organisation Transition Advisory Board, including the changes tabled at today's meeting:

3. Membership

'The Transition Advisory Board will have up to 8 members ...'

- Up to 4 External Representatives *plus 3 WDC Elected Members: Councillor Ken Couper, Councillor Deborah Harding and Councillor Paul Yovich.*

5. Membership

- Provide advice to Council on development opportunities within the Property Portfolio, including on the viability of specific opportunities, *to provide advice and direction on external opportunities that align with Council's goals as the Board see fit.*

9. Term

- This committee term is for the 2024/2025 financial year, *with a view to establishment of a CCO or CCTO by March 2025.*

Appendix A

- Chair of the Planning and Development *Committee and Finance Committee and Te Karearea Committee.*
2. Notes the membership of the CCO or CCTO Transition Advisory Board will comprise up to eight members comprising:
 - The Chief Executive or delegated staff representative
 - Up to four external representatives
 - Three Whangarei District Council Members.
 3. Appoints Councillors Ken Couper, Deborah Harding and Paul Yovich as the Whangarei District Council Members to the CCO or CCTO Transition Advisory Board.

Carried

7. Information Reports / Ngā Pūrongo Kōrero

7.1 Administrative Matter - Correction to Council Minutes

Moved By Cr Phil Halse

Seconded By Cr Scott McKenzie

That the Council:

1. Notes the correction to the Minutes of the Extra ordinary Whangarei District Council meeting 29 May 2024.
2. Notes the minuted decision/vote on Aquatic Centre will be amended as follows:

*'On the ~~motion~~ **amendment** being put His Worship called for a division.'*

*'The ~~motion~~ **amendment** was **Carried (10 to 3)**, and **subsequently Carried**, as the **substantive motion**.'*

Carried

8. Public Excluded Business / Rāhui Tangata

Moved By Cr Simon Reid

Seconded By Cr Marie Olsen

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	Reason for passing	Ground(s) under
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be considered		this resolution in relation to each matter	Section 48(1) for passing this resolution
1.1	Confidential Minutes Whangarei District Council 27 June 2024	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 Whangarei District Council 3 July 2024		
1.3	Springs Flat Roundabout Procurement Plan		
1.4	Extension Wastewater and Stormwater Maintenance Contract		
1.5	Airport Noise Committee Community Representative		
1.6	NECT Reappointments & Resignations		
1.7	Old Municipal Building Future Use		
1.8	Saorsa Retirement Village Trust – Capital Grant Request		

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 open minutes	
1.3	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.4	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.5	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)
1.6	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)

1.7	To enable Council to carry on without prejudice or disadvantage commercial activities To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(h)
1.8	To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied it or the subject of the information.	Section 7(2)(b)(ii)

Carried

A break was taken at this juncture from 10.02am to 10.15am.

9. Closure of Meeting / Te katinga o te Hui

His Worship the Mayor closed the meeting at 12.04pm with a karakia/prayer.

Confirmed this 29th day of August 2024

His Worship the Mayor Vince Cocurullo (Chairperson)

6.1 Changes to Local Government Electoral Legislation and Decision on the Whangarei District Māori Ward for the 2025 Local Election

Meeting: Whangarei District Council
Date of meeting: 25 August 2024
Reporting officer: Emily Thompson (Manager Democracy and Assurance)
 Nicolene Pestana (Team Leader Democracy)

1 Purpose / Te Kaupapa

To inform Council on changes to Local Government Electoral Legislation and to seek a decision to either retain or disestablish the Whangarei District Māori Ward for the 2025 Local Election.

2 Recommendations / Whakataunga

That the Council:

EITHER

1. Retains the Whangarei District Māori Ward for the 2025 Local Election and conducts a binding poll alongside the 2025 Local Election to determine whether Māori wards will be in place for the 2028 and 2031 Local Elections.

OR

2. Disestablishes the Whangarei District Māori Ward to take effect from the 2025 Local Election and **either**;

- a) Reverts to the representation arrangements in place for the 2019 Local Elections;

or

- b) Undertakes a shortened representation review.

3 Background / Horopaki

The Local Electoral Act 2001 (LEA) provides that councils may resolve to establish Māori wards or Māori constituencies.

On 3 November 2020, Whangarei District Council established a Māori ward for the 2022 and 2025 Local Elections. This decision was endorsed by the Te Kārearea Strategic Partnership Standing Committee.

At the time of the establishment of the Māori ward, Council was required to hold a binding poll on the establishment of the Māori ward if a demand from at least 5% of electors was received. A valid demand to hold a poll was received by Council in February 2021. The requested poll was not held, as on 1 March 2021, the mechanism for holding binding polls on the establishment of Māori wards or Māori constituencies was removed through the enactment of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021.

In March 2021, Council reaffirmed its decision to establish a Māori ward for the 2022 and 2025 elections.

At the 2022 Local Election, two Māori ward councillors were elected to Council by electors in the district-wide Whangarei District Māori Ward.

In April 2024, the current government signaled its intention to give effect to coalition agreements by enacting a bill on changes to the legislation for Māori wards and Māori constituencies. On 30 July 2024, the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (the Act) was passed and received Royal assent.

4 Discussion / Whakawhiti kōrero

The Act provides three main amendments to parts of the LEA, the Local Government Electoral Legislation Act 2023 and the Local Electoral Regulations 2001:

1. Reinstatement of legislative provisions allowing for binding polls on the establishment of Māori wards or constituencies;
2. All councils that established Māori wards or constituencies since 2020 without a poll must actively resolve to disestablish or retain their Māori wards or constituencies by 6 September 2024;
3. Adjustments to the statutory timeframes for local elections to give more time for postal delivery of voting packs.

The Act and the Local Government Commissions Guidelines for local authorities making decisions on Māori wards and Māori constituencies are appended as Attachments 1 and 2.

4.1 Reinstatement of polls on the establishment of Māori wards or constituencies

The Act reinstates the following provisions relating to binding polls on the establishment of Māori wards or constituencies that were removed from the LEA in 2021:

- A petition from 5% of electors on a council's electoral roll would require a council to hold a binding poll;
- A simple majority would bind a council to an outcome;
- The outcome of a poll would decide whether a council has Māori wards or constituencies for the next two local government elections;
- Councils can also initiate a poll.

The above provisions will only come into operation after the 2025 local elections. Any petitions for a poll cannot be received or actioned before October 2025.

4.2 Council decision on whether to retain or disestablish its Māori wards or constituencies and the implementation of this decision

The Act classes Whangarei District Council as a "Group 1" council as it established Māori wards without a poll prior to the 2022 Local Election. "Group 1" councils are required to actively consider and resolve, by 6 September 2024, one of two options - to either *retain or*

disestablish their Māori ward(s) or constituency(ies) it has established for electoral purposes since 2020.

Option 1: Retain the Whangarei District Māori Ward

A resolution to retain the Whangarei District Māori Ward for the 2025 local elections will require that a binding poll on Māori wards must be held alongside the 2025 Local Election. The Whangarei District Māori Ward would remain a part of Council's representation arrangements for the 2025 Local Election. The outcome of the poll will be effective for the 2028 and 2031 Local Elections. Accordingly, Council will not be able to establish or disestablish Māori wards until 2032 for the 2034 Local Elections. A representation review is due to be held in 2027. The outcome of the poll will be incorporated into the determinations at this review.

The estimated cost for Whangarei District Council to hold a poll at the same time as the 2025 Local Election is estimated to be between 20c and 30c + GST per elector (cost of an additional info flyer, additional election issue and associated counting costs). With 66,894 electors at the 2022 Local Election, and allowing for growth, the estimated costs for 70,000 electors would amount to between approximately \$14,000 - \$21,000 + GST. There is no budget allocated for this, however election costs will be monitored for possible savings which can be allocated to the costs of the poll. Council's Electoral Officer, Dale Ofsoske of Election Services will conduct this process on behalf of Council.

Option 2: Disestablish the Whangarei District Māori Ward

A resolution to disestablish the Whangarei District Māori Ward, will take effect for the 2025 and 2028 Local Elections. Council will not be able to consider Māori wards until 2029 for the 2031 Local Elections.

Group 1 councils that resolve to disestablish their Māori ward(s) by 6 September 2024 must either:

- a) Revert to the representation arrangements that were in place for the 2019 Local Election (this option is only available to Group 1 councils who can meet the LEA's requirements for fair and effective representation); or
- b) Complete a shortened representation review process by mid December 2024.

a) Reverting to the representation arrangements that were in place at the 2019 Local Election

Council conducted a representation review in 2018 ahead of the 2019 Local Election. This review determined the representation arrangements for the 2019 Local Elections as follows:

- Mayor elected at large.
- 13 councillors elected under the ward system:
 - Bream Bay Ward represented by two ward councillors.
 - Denby Ward represented by three ward councillors.
 - Hikurangi-Coastal Ward represented by two ward councillors.
 - Mangakahia-Maungatapere Ward represented by one ward councillor.
 - Okara Ward represented by four ward councillors.
 - Whangarei Heads Ward represented by one ward councillor.
- No community boards.

Clause 15 of the Schedule to the Act provides that a Group 1 council may only resolve to revert to its pre-2020 representation arrangements if the arrangements will provide fair and effective representation of communities of interest as required by sections 19T to 19W LEA.

Key requirements of clause 15 are:

- Applying 2023 population estimates, the representation arrangements in place at the 2019 Local Election must still be able to provide fair and effective representation.
- The Local Government Commission (LGC) must provide a statement on the consistency of the pre-2020 representation arrangements with section 19(V)(2) LEA, taking into account 2023 population estimates.

Effective representation of electors

When considering effective representation, Council must consider:

- The number of councillors to be elected to the Council;
- The basis of election of councillors - whether councillors are elected by wards or by the district as a whole (at-large) or by a mixture of wards and at-large;
- If wards, the number, boundaries and names of these wards and the number of councillors that will represent each ward;
- Whether to have community boards, and if so, how many, their boundaries and membership.

During the 2018 review process, Council considered the following factors to determine effective representation:

- The physical size of the district and the current wards;
- The number of communities of interest;
- The need to meet operational workload requirements of both the Council and individual councillors in attending Council and committee meetings;
- Access by the community to its elected representatives and the ability of councillors to access and engage with the community through public and face-to-face meetings.

Council determined the number of councillors (13 plus the mayor) and the ward system of representation for the district (including the specific wards stated in paragraph a above, subject to minor boundary alterations) as the best system to achieve effective representation for communities of interest in the district.

Council's decision in 2020 to establish a Māori ward necessitated a representation review in 2021. During the 2021 representation review, Council considered the areas within the urban wards (Denby and Okara) as a distinct community of interest and agreed to combine these two wards into the Whangarei Urban General ward. The number of councillors (13 plus the mayor) was retained. The seven councillors representing the Denby and Okara wards in 2019 was reduced to five councillors in the Whangarei Urban General ward, with two councillors representing the newly established Whangarei District Māori Ward.

After an appeals process, the LGC determined to retain the number of councillors (13 plus the mayor) and the ward system for the district noting in its determination that *“Overall, the feedback from the Council’s preliminary and formal consultation identified little change to the communities of interest identified in 2019, being urban (residential, commercial, industrial), rural agricultural, and coastal”*.

Fair representation of electors

Fair representation is denoted as having the following characteristics:

- There is a reasonable ratio of councillors per head of the population;
- There is an assurance that councillors are in reasonable geographic proximity to the community for easy contact;
- There is sufficient opportunity for representation and involvement of communities.

Once communities of interest and effective representation have been established, Council must apply the principles of fair representation and ensure the +/- 10% rule is met, if

practicable. The +/- 10% rule requires that the population of each ward divided by the number of councillors to be elected by that ward must not exceed +/- 10% of the population of the district divided by the total number of councillors.

The Act requires that 2023 population estimates be applied to the 2019 representation arrangements to determine compliance with the +/- 10% rule. The LGC has provided a statement on the consistency of the pre-2020 representation arrangements with section 19(V)(2) LEA, taking into account the 2023 population estimates, appended as Attachment 3.

Staff's assessment is that the 2019 representation arrangements would still comply with the requirement for effective representation in section 19T LEA, noting that Council must reconsider this in 2027. The 2019 representation arrangements are compliant with the requirement for fair representation in section 19(V)(2) LEA (+/- 10% rule).

b) Complete a shortened representation review process by mid December 2024.

Should Council decide to disestablish the Whangarei District Māori Ward and *not* revert to the representation arrangements in place at the 2019 Local Election, it must conduct a shortened representation review. The steps and requirements to be followed are the same as for a full six-yearly representation review but in a truncated timeframe. The shortened representation review process would have the following key dates/timeframes:

Process step	Timeframe	Key date / deadline
Council briefing		Prior to 13 September 2024
Council to resolve initial proposal		By 13 September 2024 (extraordinary meeting will be required)
Public notification of initial proposal and call for submissions	Within 7 days of initial proposal resolution	By 20 September 2024
Submission period (minimum 3 weeks)		20 September 2024 – 11 October 2024 (indicative)
No submissions received, Council resolves final proposal.		14 – 21 October 2024 (indicative)
Submissions received, Council considers submissions and may make a resolution to amend the initial proposal.	Within 6 weeks of closing date for submissions.	14 October – 22 November 2024 (indicative)
Appeals/objections to Council on final proposal		By 13 December 2024
No appeals/objections received, proposal becomes final		
Appeals/objections received, Council forwards appeals and objections to LGC		By 23 December 2024

LGC to determine appeals and objections		By 11 April 2025
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A representation review is a considerable process requiring extensive communication and engagement with the public, Advisory Groups and Te Kārearea to obtain meaningful feedback on communities of interest, numbers of members and ward structure. The 2021 representation review process was conducted over a period of six months (from March to September 2021). The truncated timeframe for the shortened representation review will require this process to be completed in less than three months.

The cost of the 2021 representation review was \$29,570. Election Services will be engaged to advise Council on the shortened 2024 representation review. Their costs will be in the order of \$25,000 unbudgeted. This does not include communications costs and staff time.

The LEA requires councils to undertake a review of their representation arrangements at least once every six years. Council is due to undertake its next review in 2027. If Council decides to undertake a shortened representation review, the next representation review will be due in 2030.

Considerations for councils deciding whether to retain or disestablish Māori wards or constituencies

The Act does not set out any criteria for councils to consider when deciding whether or not to retain or disestablish Māori wards or constituencies. The LGC's Guidelines for local authorities making decisions on Māori wards or Māori constituencies states that councils should consider the LEA principles relating to representation, as follows:

- *Representative and substantive electoral participation on local elections and polls;*
- *Fair and effective representation of individuals and communities.*

The Act does not require Council to undertake a special consultative procedure under section 83 Local Government Act 2022 (LGA) for a decision to disestablish its Māori ward. However, Council must still comply with the general decision-making and consultation requirements set out in Part 6 LGA, including:

- *Section 77 – Councils must identify all reasonably practicable options and assessing the advantages and disadvantages of these options*
- *Section 78 – Councils must give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.*
- *Section 81 – Councils must establish and maintain processes to provide opportunities for Māori to contribute to decision-making processes and foster the development of Māori capacity to contribute to Council decision-making processes.*
- *Section 82 – Persons who will or may be affected by or have an interest in the decision should be encouraged by the Council to present their views and Council should consider these views with an open mind.*

4.3 Adjusting the statutory time frames for delivery of voting packs

Local government elections are conducted via postal voting. Due to issues relating to declining mail volumes, the requirement to deliver voting packs within the six-day window creates a risk that some voters will not have a reasonable opportunity to vote. The Act addresses this risk by extending the time for delivery of voting packs from six to 14 days. Voting packs will be delivered to electors from 9 to 22 September 2025. The voting period is extended from 22.5 days to 32.5 days with voting closing at 12pm on 11 October 2025. These changes will apply to all local government elections, by-elections and polls from 2025 onwards.

5 Significance and engagement / Te Hira me te Arawhiti

Other than expressly ruling out a section 83 Special Consultative Procedure, the Act is silent on what an appropriate engagement process would look like in the short time frame between the passing of the Act (30 July 2024) and Councils required decision (6 September 2024). As part of the guidance to councils making decisions on whether to retain or disestablish Māori wards or constituencies, the LGC have advised that *“each council will have its own unique arrangements with iwi and their community and councils will need to decide the level of engagement required, taking into account all of the circumstances including the short time frame”*.

Councils Significance and Engagement Policy acknowledges Councils obligations and commitments to Māori and affirms Councils commitment to enabling genuine participation in decision making. Council has sought input from the Te Kārearea Strategic Partnership Standing Committee on the two options before Council. A decision to disestablish the Māori ward would affect, and is of particular interest to Māori. At the 6 August 2024 meeting of the Te Kārearea Strategic Partnership Standing Committee, the committee made a recommendation to Council to *retain the Whangarei District Māori Ward for the 2025 Local Government Elections, noting that a Council resolution to this effect will require that a poll on Māori wards be held alongside the 2025 Local Government Elections*.

Should Council decide to retain the Whangarei District Māori Ward, the community will have the chance to make their views on this matter known through the polling process in 2025. Should Council disestablish the Whangarei District Māori Ward and conduct a shortened representation review, the community can have input into Councils proposal for representation as part of that process.

6 Attachments / Ngā Tāpiritanga

Attachment 1: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

Attachment 2: LGC Guidelines for local authorities making decisions on Māori Wards and Māori Constituencies

Attachment 3: LGC statement on the consistency of the pre-2020 representation arrangements with section 19(V)(2) LEA



Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

Public Act 2024 No 28
Date of assent 30 July 2024
Commencement see section 2

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**Local Government (Electoral Legislation and Māori
Wards and Māori Constituencies) Amendment Act 2024**

2024 No 28

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Part 2

**Amendments to Local Government Electoral Legislation Act
2023**

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Amendments to Local Electoral Regulations 2001

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Schedule

**New Part 3 inserted into Schedule 1 of Local Electoral Act
2001**

13

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

2 Commencement

- (1) Sections 4, 8, 9, 10 to 15, and 30 to 35 come into force on 1 April 2025.
- (2) Sections 5 to 7 and 16 come into force on 12 October 2025.
- (3) Sections 17 and 19 to 28 come into force on the day after Royal assent.

Part 1**Amendments to Local Electoral Act 2001****3 Principal Act**

Sections 4 to 17 amend the Local Electoral Act 2001.

4 Section 5 amended (Interpretation)

- (1) In section 5(1), definition of **nomination day**, replace “57th day” with “71st day”.
- (2) In section 5(1), definition of **voting period**, paragraph (b), replace “22 and a half days” with “32 and a half days”.

5 Section 9 amended (Holding of referendum)

Replace section 9(7) with:

- (7) The result of any referendum conducted as a consequence of a direction under this section is not binding on the local authority unless it resolves otherwise or any enactment provides otherwise.

6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)

- (1) After section 19Z(2), insert:
 - (2A) The powers in subsections (1) and (2) to resolve to establish Māori wards and Māori constituencies for electoral purposes include the powers to disestablish them.
 - (2B) The requirements that apply in relation to establishing Māori wards and Māori constituencies for electoral purposes also apply, with all necessary modifications, to their disestablishment.
- (2) In section 19Z(3)(a), replace “23 November” with “12 September”.
- (3) Replace section 19Z(3)(c) with:

- (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until—
 - (i) a further resolution under this section takes effect; or
 - (ii) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.
- (4) Replace section 19Z(4) with:
- (4) This section is subject to section 19ZE and to clauses 2(5) and 4(4) of Schedule 1A.
- (5) In section 19Z(5), after “In this section”, insert “and in sections 19ZB to 19ZG”.

7 New sections 19ZA to 19ZG inserted

After section 19Z, insert:

19ZA Public notice of right to demand poll

- (1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under section 19ZB, a poll on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
 - (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) The public notice under subsection (1) must include—
 - (a) notice of the resolution under section 19Z; and
 - (b) a statement that a poll is required to countermand that resolution.
- (3) In subsection (1), **required date** means,—
 - (a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 12 September of the year that is 2 years before the next triennial general election, 19 September in that year;
 - (b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution.
- (4) This section is subject to section 19ZE.

19ZB Electors may demand poll

- (1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) This section is subject to section 19ZE.
- (3) In this section and section 19ZC,—
 - demand** means a demand referred to in subsection (1)
 - specified number of electors**, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.

19ZC Requirements for valid demand

- (1) A demand must be made by notice in writing—
 - (a) signed by a specified number of electors; and
 - (b) delivered to the principal office of the territorial authority or regional council.
- (2) An elector may sign a demand and be treated as one of the specified number of electors only if,—
 - (a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or
 - (b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector’s address as shown on that roll is within the region; or
 - (c) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a) or (b),—
 - (i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and
 - (ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or
 - (d) the address given by the elector who signed the demand is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector and the address—
 - (i) is, if the demand was given to a territorial authority, within the district of the territorial authority; or
 - (ii) is, if the demand was delivered to a regional council, within the region of the regional council; or

- (e) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or, as the case may require, the regional council.
- (3) Every elector who signs a demand must state, against the elector's signature,—
 - (a) the elector's name; and
 - (b) the address for which the person is qualified as an elector of the territorial authority or regional council.
- (4) If a valid demand is received after 11 December in the year that is 2 years before the next triennial general election, the poll required by the demand—
 - (a) must be held after 28 March in the year before the triennial general election; and
 - (b) has effect in accordance with section 19ZG(4) (which provides that the poll has effect for the purposes of the next but one triennial general election and the subsequent triennial general election).
- (5) The chief executive of the territorial authority or regional council must, as soon as practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with section 19ZB and this section.
- (6) This section is subject to section 19ZE.

19ZD Territorial authority or regional council may resolve to hold poll

- (1) A territorial authority or regional council may, at any time, resolve that a poll be held on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
 - (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) A resolution under subsection (1) may, but need not, specify the date on which the poll is to be held.
- (3) The date specified for the holding of a poll must not be a date that would require deferral of the poll under section 138A.
- (4) The chief executive of the territorial authority or regional council must give notice to the electoral officer of a resolution under subsection (1),—
 - (a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable;
 - (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that will enable the poll to be conducted in accordance with section 19ZF(3).
- (5) This section is subject to section 19ZE.

19ZE Limitation on division into Māori wards or Māori constituencies

Sections 19Z to 19ZD do not apply, in relation to a territorial authority or regional council, if—

- (a) a poll on the question described in section 19ZB or section 19ZD held under section 19ZF took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or
- (b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies.

19ZF Poll of electors

- (1) If the electoral officer for a territorial authority or regional council receives notice under section 19ZC(5) or section 19ZD(4), the electoral officer must, as soon as practicable after receiving that notice, give public notice of the poll under section 52.
- (2) Despite subsection (1), if an electoral officer for a territorial authority or regional council receives 1 or more notices under both section 19ZC(5) and section 19ZD(4), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined.
- (3) A poll held under this section must be held not later than 103 days after the date on which—
 - (a) the notice referred to in subsection (1) is received; or
 - (b) the last notice referred to in subsection (2) is received.
- (4) Subsection (3) is subject to subsection (2), section 19ZC(4), and section 138A.
- (5) Every poll under this section that is held in conjunction with a triennial general election, or held after that date but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held, determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,—
 - (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
 - (b) the region of the regional council is to be divided into 1 or more Māori constituencies.
- (6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following triennial

nial general election for the territorial authority or regional council and any associated election,—

- (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
- (b) the region of the regional council is to be divided into 1 or more Māori constituencies.

(7) Subsections (5) and (6) are subject to clauses 2(5) and 4(4) of Schedule 1A.

19ZG Effect of poll

- (1) Subsection (2) applies to a poll held in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held.
- (2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—
 - (a) in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and
 - (b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and
 - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.
- (3) Subsection (4) applies to a poll held at some other time.
- (4) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—
 - (a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and
 - (b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and
 - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the

Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.

(5) This section is subject to clauses 2(5) and 4(4) of Schedule 1A.

8 Section 28 amended (Public notice of right to demand poll on electoral system)

In section 28(2A), replace “14 March” with “28 March”.

9 Section 30 amended (Requirements for valid demand)

In section 30(3A)(a), replace “14 March” with “28 March”.

10 Section 33 amended (Poll of electors)

(1) In section 33(3), replace “89 days” with “103 days”.

(2) In section 33(4), replace “14 March” with “28 March”.

11 Section 34 amended (Effect of poll)

In section 34(1), replace “14 March” with “28 March”.

12 Section 52 amended (Notice of election or poll)

In section 52(2), replace “28 days before” with “25 days before”.

13 Section 102 amended (New election or poll if election or poll declared void)

In section 102(2),—

(a) replace “8 November” with “25 October” in each place; and

(b) replace “89 days” with “103 days” in each place.

14 Section 120 amended (Election to fill extraordinary vacancy)

In section 120(1)(b), replace “89 days after” with “103 days after”.

15 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

(1) In section 138A(1)(a),—

(a) replace “28 September” with “14 September”; and

(b) replace “17 February” with “3 March”.

(2) In section 138A(1)(b), replace “14 March” with “28 March”.

(3) In section 138A(1)(c), replace “11 April” with “24 April”.

16 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

Replace section 138A(1) with:

(1) Despite section 19ZF(3), section 33(3), and section 120(1),—

- (a) if an electoral officer receives a notice under section 19ZC(5), section 19ZD(4), section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 14 September in any year and ends with the close of 20 November in that year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 3 March in the following year; and
- (b) if an electoral officer receives a notice under section 19ZC(5), section 19ZD(4), section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 21 November in any year and ends with the close of 15 December in that year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 28 March in the following year; and
- (c) if an electoral officer receives a notice under section 19ZC(5), section 19ZD(4), section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 16 December in any year and ends with the close of 12 January in the following year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 24 April in that following year.

17 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Part 2

Amendments to Local Government Electoral Legislation Act 2023

18 Principal Act

Sections 19 to 28 amend the Local Government Electoral Legislation Act 2023.

19 Section 2 amended (Commencement)

Repeal section 2(3).

20 Section 4 amended (Section 5 amended (Interpretation))

Repeal section 4(2).

21 Sections 5 to 10 repealed

Repeal sections 5 to 10.

22 Section 12 amended (Section 19K amended (Requirements for resolution))

Repeal section 12(2) and (5).

- 23 Section 13 amended (Section 19L amended (Distribution of copies of resolution))**
Repeal section 13(2).
- 24 Section 19 amended (Section 19R amended (Commission to determine appeals and objections))**
Repeal section 19(1) and (2).
- 25 Sections 20 to 23 repealed**
Repeal sections 20 to 23.
- 26 Section 36 amended (Schedule 1 amended)**
Repeal section 36(1) and (2).
- 27 Section 37 amended (Schedule 1A amended)**
Repeal section 37(1), (3), (5), (6), and (8).
- 28 Schedule 2 amended**
In Schedule 2, Part 1, repeal the item relating to Canterbury Regional Council (Ngāi Tahu Representation) Act 2022 (2022 No 1 (L)).

Part 3

Amendments to Local Electoral Regulations 2001

- 29 Principal regulations**
Sections 30 to 35 amend the Local Electoral Regulations 2001.
- 30 Regulation 10 amended (Relevant date for inclusion of electors on roll)**
- (1) In regulation 10(1), replace “7 July” with “18 June”.
 - (2) In regulation 10(2), replace “6 July” with “17 June”.
 - (3) In regulation 10(3), replace “57th day” with “71st day”.
 - (4) In regulation 10(4), replace “57th day” with “71st day”.
- 31 Regulation 21 amended (Closing of roll)**
In regulation 21, replace “57th day” with “71st day”.
- 32 Regulation 22 amended (Certification of roll)**
In regulation 22, replace “25th day” with “36th day”.
- 33 Regulation 23 amended (When roll in force)**
In regulation 23, replace “25th day” with “36th day”.

34 Regulation 51 amended (Issue of voting documents)

In regulation 51(1),—

- (a) replace “23rd day” with “33rd day”; and
- (b) replace “17th day” with “19th day”.

35 Regulation 96 amended (Issue of voting documents)

In regulation 96(1),—

- (a) replace “23rd day” with “33rd day”; and
- (b) replace “17th day” with “19th day”.

Schedule**New Part 3 inserted into Schedule 1 of Local Electoral Act 2001**

s 17

Part 3**Provisions relating to Local Government (Electoral Legislation and
Māori Wards and Māori Constituencies) Amendment Act 2024****10 Interpretation**

(1) In this Part, unless the context otherwise requires,—

amendment Act means the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024**associated election** has the same meaning as in section 19Z**commencement date** means the date on which section 17 of the amendment Act comes into force**group 1 local authority** means a territorial authority or regional council named in the first column of the table in subclause (2)**group 2 local authority** means a territorial authority or regional council named in the second column of the table in subclause (2)**transition period** means the period starting on the commencement date and ending on 6 September 2024.

(2)

Group 1 local authorities

Far North District Council
 Gisborne District Council
 Hamilton City Council
 Hastings District Council
 Hawke's Bay Regional Council
 Horowhenua District Council
 Kaipara District Council
 Manawatu District Council
 Manawatū-Whanganui Regional Council
 Marlborough District Council
 Masterton District Council
 Matamata-Piako District Council
 Nelson City Council
 New Plymouth District Council
 Northland Regional Council
 Ōtorohanga District Council
 Palmerston North City Council
 Porirua City Council

Group 2 local authorities

Central Hawke's Bay District Council
 Hauraki District Council
 Hutt City Council
 Kapiti Coast District Council
 Kawerau District Council
 Napier City Council
 South Wairarapa District Council
 Tasman District Council
 Thames-Coromandel District Council
 Upper Hutt City Council
 Wellington Regional Council
 Western Bay of Plenty District Council
 Whanganui District Council

Group 1 local authorities

Rangitikei District Council
 Rotorua District Council
 Ruapehu District Council
 South Taranaki District Council
 Stratford District Council
 Taranaki Regional Council
 Tararua District Council
 Taupo District Council
 Tauranga City Council
 Waikato District Council
 Waipa District Council
 Wellington City Council
 Whakatane District Council
 Whangarei District Council

Group 2 local authorities*Provisions relating to group 1 local authorities***11 Group 1 local authority must resolve to retain or resolve to disestablish Māori wards or Māori constituencies**

- (1) This clause applies to a group 1 local authority.
- (2) A group 1 local authority must, by 6 September 2024,—
 - (a) resolve to retain the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020; or
 - (b) resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020.
- (3) A resolution under subclause (2)(b) takes effect for the 2025 and 2028 triennial general elections of the local authority, and for any associated election, and continues in effect until—
 - (a) a resolution under section 19Z takes effect; or
 - (b) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.
- (4) *See* clause 39 concerning the requirement for a group 1 local authority to hold a binding poll if it resolves under subclause (2)(a) to retain the 1 or more Māori wards or Māori constituencies it has established.

12 Special consultative procedure does not apply to resolution

A group 1 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 11(2)(a) or (b).

13 Effect of resolution to disestablish

- (1) A resolution of a group 1 local authority to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b) does not affect—
 - (a) any decision of the local authority made after the local authority’s resolution under section 19Z to establish those Māori wards or Māori constituencies; or
 - (b) any elections held after the resolution referred to in paragraph (a) and before the commencement date.
- (2) Subclause (1) is subject to subclause (3).
- (3) If a group 1 local authority resolves to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b),—
 - (a) any determination of the group 1 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under the provisions of Part 1A of this Act); and
 - (b) any proceedings before the Local Government Commission under section 19R relating to a determination referred to in paragraph (a) also come to an end and the Commission is not required to take any further action in respect of the determination.
- (4) Subclause (3) applies regardless of whether public notice of the proposal contained in the resolution under section 19H, 19I, or 19J has been published under section 19M or 19N.

14 Local authority resolving to disestablish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set

- (1) A group 1 local authority that resolves to disestablish its 1 or more Māori wards or Māori constituencies under clause 11(2)(b) must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.
- (2) For the purposes of subclause (1), the local authority may—
 - (a) resolve to revert to its representation arrangements that applied at the 2019 triennial general elections (**pre-2020 representation arrangements**), if the requirements in clause 15 are satisfied; or
 - (b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections in accordance with sections 19H to 19Q and 19T to 19Y, as modified by clauses 21 to 28.
- (3) A group 1 local authority must undertake a shortened review of its representation arrangements for elections, in 2024, if the requirements in clause 15 are not satisfied (*see* clauses 21 to 28).

- (4) To avoid doubt, sections 19R and 19S continue to apply in relation to a shortened review of representation arrangements that a local authority resolves, or is required, to undertake under subclause (2)(b) or (3).

15 Requirements to be satisfied for local authority to revert to pre-2020 representation arrangements

- (1) A group 1 local authority may resolve under clause 14(2)(a) to revert to its pre-2020 representation arrangements only if the arrangements will provide fair and effective representation of communities of interest in accordance with sections 19T to 19W.
- (2) The local authority must, before passing a resolution referred to in subclause (1),—
- (a) request 2023 population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the pre-2020 representation arrangements; and
 - (b) provide to Statistics New Zealand such information that it may require concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and
 - (c) table the following at the meeting at which the resolution is to be considered:
 - (i) the 2023 population estimates;
 - (ii) an explanation of how the requirements for fair and effective representation of communities of interest in accordance with sections 19T to 19W will be met if the local authority reverts to the pre-2020 representation arrangements;
 - (iii) a statement from the Local Government Commission on the consistency of the pre-2020 representation arrangements with section 19V(2), taking into account the 2023 population estimates.
- (3) For the purposes of considering the fair and effective representation of communities of interest in accordance with sections 19T to 19W, if an exception from compliance under section 19V(3) has been upheld on a determination by the Local Government Commission under section 19V(6) relating to specific wards, constituencies, or subdivisions in the local authority's pre-2020 representation arrangements, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).

16 Objections process does not apply to resolution to revert to pre-2020 representation arrangements

Section 19P does not apply in respect of a resolution made by a group 1 local authority under clause 14(2)(a).

17 Adjustments to boundaries by group 1 local authority

- (1) This clause applies to a group 1 local authority that resolves under clause 14(2)(a) to revert to its pre-2020 representation arrangements.
- (2) The group 1 local authority must seek and consider advice from Statistics New Zealand as to any adjustments that Statistics New Zealand has made to the boundaries of relevant statistical meshblock areas since—
 - (a) notice of a Local Government Commission determination was given under section 19S(1); or
 - (b) public notice of the proposed pre-2020 arrangements was given under section 19M, if there were no submissions on the proposal; or
 - (c) public notice of the pre-2020 arrangements was given under section 19N(1), if there were no appeals or objections made to the Local Government Commission.
- (3) The group 1 local authority must determine by resolution any necessary adjustments to be made to the boundaries of any ward, constituency, community, or subdivision to ensure that they coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand.

18 Local authority must notify resolution to revert to pre-2020 representation arrangements

A group 1 local authority that resolves under clause 14(2)(a) to revert to its pre-2020 representation arrangements must—

- (a) give public notice of the resolution, including the following information for the next triennial general election:
 - (i) the number of elected positions the local authority will have:
 - (ii) the number of appointed positions for community boards (if any):
 - (iii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each:
 - (iv) whether any adjustments have been made by Statistics New Zealand to the meshblocks aligning with the ward, constituency, community, or subdivision boundaries used for the 2019 or 2016 triennial general elections and whether adjustments have been made to boundaries under clause 17; and
- (b) as soon as practicable, send a copy of the notice to the following:
 - (i) the Local Government Commission:
 - (ii) the Surveyor-General:
 - (iii) the Government Statistician:
 - (iv) the Remuneration Authority:

- (v) such other local authorities as may be required under section 19Y(2)(b) and (c); and
- (c) provide to the Surveyor-General—
 - (i) a copy of the plans for the arrangements they are reverting to; or
 - (ii) in a case where minor changes have been made to boundaries in accordance with clause 17, new plans for the arrangements incorporating those changes.

19 When notified basis for election for next triennial election has effect

- (1) If a group 1 local authority has, under clause 18, given public notice of the basis of election for the next triennial election of the local authority, no such basis has effect unless—
 - (a) a description or plan of each ward or constituency or community or subdivision has been sent to the Surveyor-General; and
 - (b) the Surveyor-General, or a person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward or constituency or community or subdivision capable of identification.
- (2) If the description of any ward or constituency or community or subdivision to which subclause (1) applies is defective, but the Surveyor-General, or a person appointed by the Surveyor-General, certifies that it can be amended and the defect overcome without making any change in what was evidently intended to be the area comprised in the description, the description—
 - (a) may be so amended by resolution; and
 - (b) if so amended, has effect as if the provisions of subclause (1) had been complied with.

20 Group 1 local authority reverting to pre-2020 electoral arrangements: representation review after 2025 triennial general elections

A group 1 local authority that resolves to disestablish its Māori wards or Māori constituencies and revert to its pre-2020 electoral arrangements must complete its next representation review in the 2025 to 2028 local government term.

Shortened representation review process

21 Application of clauses 22 to 28

Clauses 22 to 28 apply to a group 1 local authority that resolves under clause 11(2)(b) to disestablish the 1 or more Māori wards or Māori constituencies it has established since 2020 and—

- (a) resolves under clause 14(2)(b) to undertake, in 2024, a shortened review of its representation arrangements for the 2025 triennial general election; or

- (b) is required under clause 14(3) to undertake a shortened review of its representation arrangements for the 2025 triennial general election.

22 Requirements for resolution

Section 19K applies as if, in subsection (1AA), the words “must be passed no earlier than 20 December of the year that is 2 years before the year of the election and no later than 31 July of the year that is immediately before the year of the election” were replaced with “must be passed by 13 September 2024”.

23 Public notice of proposals and responsibilities

Section 19M applies as if,—

- (a) in subsection (1), the words “must, within 14 days after making the resolution (but, in the year immediately before the year of a triennial general election, not later than 8 August)” were replaced with “must, within 7 days after making the resolution and not later than 20 September 2024”; and
- (b) in subsection (2)(d), the words “specify a period of not less than 1 month from” were replaced with the words “specify a period that ends not later than 11 October 2024 and that is of not less than 3 weeks from”.

24 Response to submissions

Section 19N applies as if, in subsection (1), the words “must, within 8 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M” were replaced with “must, within 6 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M”.

25 Appeals

Section 19O applies as if,—

- (a) in subsection (2)(a), the words “must not be earlier than 1 month” were replaced with “must not be earlier than 3 weeks”; and
- (b) the words in subsection (2)(b) were replaced with “must not, in the year before the 2025 triennial general election, be later than 13 December 2024”.

26 Obligation to forward appeals and objections to Commission

Section 19Q applies as if the reference to “20 December,” were replaced with “23 December 2024,”.

27 Commission to determine appeals and objections

Section 19R applies as if, in subsection (3), the words “before 11 April in the year of a triennial general election” were replaced with “before 11 April 2025”.

28 Group 1 local authority completing shortened representation review process: representation review after 2025 triennial general election

A group 1 local authority that completes a shortened review process must undertake its next review of representation arrangements in accordance with the requirement in section 19H(2)(b) or 19I(2)(b) (whichever applies).

Provisions relating to group 2 local authorities

29 Group 2 local authority must resolve to affirm or resolve to rescind resolution to establish Māori wards or Māori constituencies

- (1) A group 2 local authority must, by 6 September 2024,—
- (a) resolve to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election; or
 - (b) resolve to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election.
- (2) *See* clause 39 concerning the requirement for a group 2 local authority to hold a binding poll if it resolves under subclause (1)(a) to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.

30 Special consultative procedure does not apply to resolution

A group 2 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 29(1)(a) or (b).

31 Effect of resolution to rescind

- (1) If a group 2 local authority passes a resolution under clause 29(1)(b) to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election, any determination of the group 2 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under Part 1A of this Act).
- (2) Subclause (1) applies regardless of whether public notice of the proposal has been published under section 19M or 19N of this Act.

32 Group 2 local authority rescinding resolution to establish Māori wards or Māori constituencies must decide how representation arrangements for 2025 triennial general election to be set

A group 2 local authority that resolves under clause 29(1)(b) to rescind its resolution to establish 1 or more Māori wards or Māori constituencies must, by

6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.

33 Options for representation arrangements for 2025 triennial general election if representation review completed since 2019

- (1) This clause applies to a group 2 local authority if it has completed a representation review since the 2019 triennial general election.
- (2) For the purposes of clause 32, the group 2 local authority is not required to, but may, resolve to complete a shortened representation review process in 2024.
- (3) If the group 2 local authority resolves to complete a shortened representation review process, that process must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.
- (4) If the group 2 local authority does not resolve to complete a shortened review process in 2024, its existing representation arrangements continue to apply for the 2025 triennial general election in accordance with section 19H(2)(b) or 19I(2)(b) (whichever applies).

34 Options for representation arrangements for 2025 triennial general election if no representation review completed since 2019

- (1) This clause applies to a group 2 local authority if it has not completed a representation review since the 2019 triennial general election.
- (2) The group 2 local authority may, for the 2025 triennial general election,—
 - (a) resolve to continue its existing representation arrangements, if the requirements in clause 35 are met; or
 - (b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections.
- (3) A group 2 local authority must undertake a shortened review of its representation arrangements, in 2024, if the requirements in clause 35 are not met.
- (4) A shortened review process undertaken under subclause (2)(b) or (3) must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.

35 Requirements to be satisfied for group 2 local authority to continue existing representation arrangements

- (1) A group 2 local authority that has not completed a representation review since 2019 may continue its existing representation arrangements only if the arrangements will provide fair and effective representation of communities of interest in accordance with sections 19T to 19W.
- (2) The local authority must, before passing a resolution under clause 34(2)(a) to continue its existing representation arrangements,—

- (a) request 2023 population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the local authority's existing representation arrangements; and
 - (b) provide to Statistics New Zealand such information as may be required by it concerning the definition of any area to which any of the estimates referred to in paragraph (a) are to relate; and
 - (c) table the following at the meeting at which the resolution is to be considered:
 - (i) the 2023 population estimates:
 - (ii) an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority continues its existing representation arrangements:
 - (iii) a statement from the Local Government Commission on the consistency of the existing representation arrangements with section 19V(2), taking into account the 2023 population estimates.
- (3) For the purposes of considering the fair and effective representation of communities of interest in accordance with sections 19T to 19W, if an exception from compliance under section 19V(3) has previously been upheld on a determination by the Local Government Commission under section 19V(6) relating to specific wards, constituencies, or subdivisions in the local authority's pre-2020 representation arrangements, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).
- 36 Objections process does not apply to resolution to continue existing representation arrangements**
- Section 19P does not apply in respect of a resolution made by a group 2 local authority made under clause 34(2)(a).
- 37 Group 2 local authority must notify resolution to continue existing representation arrangements**
- (1) A group 2 local authority that resolves under clause 34(2)(a) to continue its existing representation arrangements must—
- (a) give public notice of the resolution, including the following information for the next triennial general election:
 - (i) the number of elected positions the local authority will have:
 - (ii) the number of appointed positions for community boards (if any):
 - (iii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each; and

- (b) as soon as practicable, send a copy of the notice to the following:
- (i) the Local Government Commission:
 - (ii) the Surveyor-General:
 - (iii) the Government Statistician:
 - (iv) the Remuneration Authority:
 - (v) such other local authorities as may be required under section 19Y(2)(b) and (c).
- (2) If either Western Bay of Plenty District Council or Central Hawke’s Bay District Council gives public notice under subclause (1), the local authority must, in addition, meet the requirements specified in clause 19(1) and (2) as if the reference to a group 1 local authority were a reference to a group 2 local authority.

38 Group 2 local authority: representation review after 2025 triennial general election

- (1) A group 2 local authority that has not completed a representation review since the 2019 triennial general election and that resolves under clause 34(2)(a) to continue its existing representation arrangements for the 2025 triennial general election must complete its next representation review in the 2025 to 2028 local government term.
- (2) A group 2 local authority that has completed a representation review since the 2019 triennial general election or that completes a shortened representation review process in accordance with the provisions of this Part must complete its next representation review in accordance with the requirements in section 19H(2)(b) or 19I(2)(b) (whichever applies).

Conduct of binding polls in conjunction with 2025 triennial general election

39 Local authority resolving to retain, or to affirm resolution to establish, Māori wards or Māori constituencies must conduct binding poll in 2025

- (1) This clause applies to—
- (a) a group 1 local authority that resolves under clause 11(2)(a) to retain the 1 or more Māori wards or Māori constituencies it has established:
 - (b) a group 2 local authority that resolves under clause 29(1)(a) to affirm its resolution to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.
- (2) A group 1 or group 2 local authority to which this clause applies must hold a poll on the question whether, from the 2028 triennial general election,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (3) The poll must be conducted using the First Past the Post electoral system.
- (4) The poll must, in each case, be held—
- (a) in conjunction with the 2025 triennial general election; and
 - (b) in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.
- (5) Every poll held under this Act as required by this clause determines the question referred to in subclause (2)(a) or (b) (whichever applies) for the next 2 triennial general elections for the territorial authority or regional council, and for any associated election, after the 2025 triennial general election.
- 40 Notice of poll must be included in public notice for 2025 triennial general election**
- If a local authority is required under clause 39 to hold a poll in conjunction with the 2025 triennial general election, the electoral officer responsible for the conduct of the election must—
- (a) include public notice of that poll in the notice of the election required to be given under section 52; and
 - (b) conduct the poll in conjunction with the election accordingly.
- 41 Application of limitation on division into Māori wards or Māori constituencies**
- Section 19ZE applies as if a poll held under clause 39 on the question specified in clause 39(2) were a poll on a proposal described in section 19ZE(a) held under section 19ZF.
- 42 Review of representation arrangements following conduct of poll**
- Poll resulting in “Yes” vote*
- (1) Subclauses (2) and (3) apply to a group 1 or group 2 local authority if 50% or more of the valid votes cast in a poll held by the local authority as required by clause 39 are “Yes” votes.
 - (2) The local authority must follow the process set out in Schedule 1A of this Act in the 2025 to 2028 electoral term if it has not completed a representation review since the 2022 triennial general election.
 - (3) The local authority may continue its existing representation arrangements in the 2025 to 2028 electoral term if it has completed a representation review since the 2022 triennial general election.
- Poll resulting in “No” vote*
- (4) If more than 50% of the valid votes cast in a poll held by a group 1 or group 2 local authority under clause 39 are “No” votes, the local authority—

- (a) must complete a representation review in the 2025 to 2028 electoral term; and
 - (b) must not follow the process set out in Schedule 1A in the 2025 to 2028 electoral term.
- (5) Subclause (4) applies despite section 19Z(3)(c).

*Group 1 and group 2 local authorities:
extension to 31 July 2024 deadline for initial representation review proposals*

43 Application of clauses 44 to 46

Clauses 44 to 46 apply—

- (a) only if they commence on or before 31 July 2024; and
- (b) only to a group 1 or group 2 local authority that is required to pass a resolution under section 19H, 19I, or 19J by 31 July 2024 but has not passed the resolution by that date.

44 Extension of time for passing initial representation review resolution

A local authority to which this clause applies may pass the resolution referred to in clause 43(b) by 13 September 2024.

45 Local authority using extended time must follow shortened representation review process

A group 1 or group 2 local authority that passes a resolution in accordance with clause 44 must undertake a shortened review of its representation arrangements in accordance with the requirements of clauses 23 to 27.

46 When next representation review required

A group 1 or group 2 local authority that undertakes a shortened review under clause 45 must undertake its next review of representation arrangements in accordance with the requirement under section 19H(2)(b) or 19I(2)(b) (whichever applies).

Provisions applying to Tauranga City Council

47 Application of clauses 48 to 54

Clauses 48 to 54 apply to Tauranga City Council (the **Council**).

48 Council must resolve to disestablish Māori ward or resolve to hold poll

The Council must, by 30 November 2026,—

- (a) resolve to disestablish (for the 2028 triennial general election onwards) its Māori ward; or
- (b) resolve to hold, by 28 March 2027, a poll on the question whether the district should be divided into 1 or more Māori wards.

49 Effect of resolution to disestablish

- (1) A resolution of the Council to disestablish its Māori ward under clause 48(a) does not affect—
 - (a) any decision of the Council made after the Council’s 2021 resolution under section 19Z that its district be divided into its Māori ward (the **2021 resolution**); or
 - (b) elections held since the 2021 resolution and before the commencement date.
- (2) A resolution of the Council to disestablish its Māori ward applies for the next 2 triennial general elections of the Council.

50 Council must hold binding poll in accordance with resolution and specified requirements

- (1) This clause applies if the Council resolves under clause 48(b) to hold a poll.
- (2) The Council must, by 28 March 2027, hold a poll on the question whether the district should be divided into 1 or more Māori wards.
- (3) The poll must be held in accordance with the requirements in clause 52.

51 Application of limitation on division into Māori wards

Section 19ZE applies as if a poll held under clause 50 on the question specified in clause 50(2) were a poll on a proposal described in section 19ZE(a) held under section 19ZF.

52 Requirements for binding poll

- (1) The Council chief executive must notify the electoral officer, by 1 December 2026, of the date on which the poll under clause 50 is to be held.
- (2) The date specified for the holding of the poll must not be a date that would require deferral of the poll under section 138A.
- (3) The electoral officer must give public notice of the poll under section 52 as soon as practicable after receiving the notice under subclause (1).
- (4) The poll must be conducted using the First Past the Post electoral system.
- (5) The poll must be held in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act (as modified by this Part) that concern the conduct of a poll.

53 Effect of poll

- (1) If 50% or more of the valid votes cast in the poll are “Yes” votes, the Council must follow the process set out in Schedule 1A in the 2025 to 2028 term.
- (2) If more than 50% of the valid votes cast in the poll are “No” votes, the Council must not follow the process set out in Schedule 1A.
- (3) Subsection (2) applies despite section 19Z(3)(c).

- (4) The outcome of the poll determines whether, for the next 2 triennial general elections of the Council, the district is to be divided into 1 or more Māori wards.
- (5) The outcome of the poll must be included in the Council's 2027 representation review.

54 Obligations of electoral officer if notice requirements for binding poll not met

- (1) This clause applies if the electoral officer does not receive a notice that accords with clause 52(1) and (2) by 1 December 2026.
- (2) The electoral officer must—
 - (a) fix a date, which must be not later than 28 March 2027, for the holding of the poll; and
 - (b) give public notice of the poll in accordance with section 52; and
 - (c) conduct the poll on the date fixed for holding it.

Guidelines

55 Commission must issue guidelines for resolutions and determinations under transitional provisions

- (1) The Commission must issue guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account in passing resolutions and making determinations referred to in the provisions of this Part.
- (2) The Commission may, from time to time, amend or revoke guidelines issued under subclause (1).
- (3) Guidelines issued under subclause (1) may relate to group 1 or group 2 local authorities generally or to a specific class of those authorities.
- (4) The Commission must, as soon as practicable after issuing guidelines under subclause (1),—
 - (a) send a copy of those guidelines to every group 1 and group 2 local authority; and
 - (b) publish in the *Gazette* a notice—
 - (i) stating that the guidelines have been issued; and
 - (ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase at a reasonable price.
- (5) Subclauses (3) and (4) apply, with all necessary modifications, in respect of any amendment to or revocation of guidelines issued under subclause (1).

Legislative history

20 May 2024	Introduction (Bill 46–1)
23 May 2024	First reading and referral to Justice Committee
21 June 2024	Reported from Justice Committee (Bill 46–2)
23 July 2024	Second reading
25 July 2024	Committee of the whole House (Bill 46–3)
30 July 2024	Third reading
30 July 2024	Royal assent

This Act is administered by the Department of Internal Affairs.



Mana Kāwanatanga ā Rohe

Local Government Commission

Guidelines for local authorities making decisions on Māori wards and Māori constituencies



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Introduction

1. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (the Amendment Act) reintroduces:
 - the ability for binding polls to be held on proposals to establish or continue Māori wards and constituencies; and
 - for polls to be held as a result of petitions of electors.
2. The Amendment Act also includes in Schedule 1 of the Local Electoral Act 2001 transitional provisions for local authorities that have established, or resolved to establish, Māori wards/constituencies without a binding poll since 2020. Schedule 1 requires those local authorities to:
 - affirm the decision to establish Māori wards/constituencies and hold a binding poll at the 2025 elections; or alternatively
 - reverse their Māori wards/constituencies decisions this year with no requirement for a poll at the 2025 elections.
3. Schedule 1 applies to two groups of local authorities that have established Māori wards/constituencies with each group being subject to a different set of requirements. The two groups are:
 - Group 1 local authorities: Local authorities that established Māori wards/constituencies ahead of the 2022 elections
 - Group 2 local authorities: Local authorities that resolved to establish Māori wards/constituencies for the 2025 elections.
4. Group 1 and Group 2 local authorities are listed in [Appendix 1](#).
5. Tauranga City Council is considered a ‘special case’ under the Schedule 1, due to the timing of its July 2024 election. Tauranga City Council is a Group 1 local authority, however the requirements relating to it occur on a bespoke timeline.
6. The transitional provisions of Schedule 1 apply only to local authorities with Māori wards or constituencies that are listed in Group 1 or Group 2. This means that the transitional provisions do not apply to:
 - Bay of Plenty Regional Council
 - Ōpōtiki District Council
 - Waikato Regional Council
 - Wairoa District Council

These guidelines

7. Schedule 1 states:¹

The Commission must issue guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account in passing resolutions and making determinations referred to in the provisions of this Part.

8. These guidelines are designed to assist Group 1 and Group 2 local authorities with the decisions they are required to make under Schedule 1, noting that some resolutions are required by **6 September 2024**.

9. The guidelines identify:

- actions local authorities must take before they can make specific decisions under Schedule 1; and
- further decisions or actions that are required if local authorities make specific decisions under Schedule 1.

10. For ease of use, these guidelines consider in turn the requirements of Schedule 1 for:

- Group 1 local authorities
- Group 2 local authorities
- Tauranga City Council.

11. The following sections then consider matters that may relate either to Group 1 or Group 2 local authorities, depending on decisions they make:

- Shortened representation reviews
- How long do local authority decisions or poll results take effect for?
- When will the next representation reviews be required?

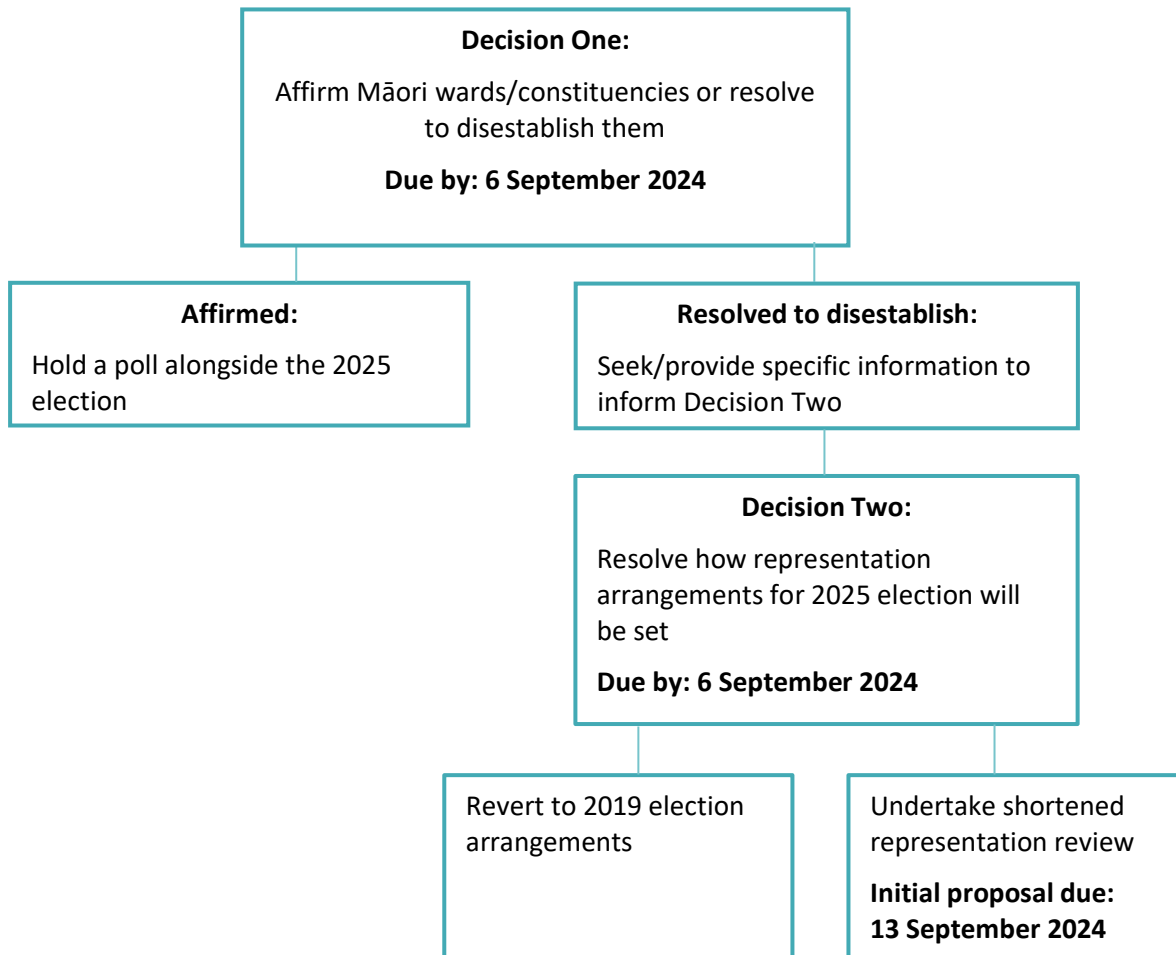
12. These guidelines should be read in conjunction with:

- The Local Electoral Act 2001, in particular clauses 10-54 of Schedule 1; and
- the Commission's [Guidelines for local authorities undertaking representation reviews](#) (for any local authority undertaking a shortened representation review).

¹ Schedule 1, clause 55

Group 1 local authorities

13. At a high level, the Schedule 1 transitional provisions require Group 1 local authorities to take the following steps:



14. These steps are considered in detail below.

Decision one – affirm Māori wards/constituencies or resolve to disestablish them

15. By **6 September 2024** all Group 1 local authorities must actively resolve either to affirm their Māori wards/constituencies or to disestablish them.
16. All Group 1 local authorities are required to make this decision, even if they have previously resolved to affirm their Māori wards/constituencies prior to 31 July 2024.

Considerations for decision-making

17. Schedule 1 does not set out any criteria for local authorities to consider when deciding whether or not to disestablish Māori wards/constituencies. Local authorities should, however, consider the principles set out in [section 4](#) of the Local Electoral Act that relate to representation.
18. The special consultative procedure does not apply to decisions to affirm Māori wards/constituencies, or to disestablish Māori wards/constituencies.²
19. Schedule 1 is otherwise silent on how local authorities should engage with their communities on this issue. Each local authority should abide by their Significance and Engagement Policy and take into account the decision-making and consultation requirements of Part 6, Local Government Act 2002.
20. [Section 81](#) of the Local Government Act 2002, dealing with contributions to decision-making processes by Māori, implies a requirement to engage with mātāwaka as well as iwi/hapū. Local authorities should consider how best to do this.

A resolution to affirm Māori wards/constituencies

21. If a Group 1 local authority decides to affirm its resolution to establish Māori wards/constituencies, the next action required by Schedule 1 is for a poll to be held alongside the 2025 election on whether the district/region should be divided into 1 or more Māori wards/constituencies.
22. Schedule 1 does not require any further action from these Group 1 local authorities. However, any Group 1 local authorities currently undertaking a representation review should continue that process through to its conclusion.

A resolution to disestablish Māori wards/constituencies

23. A Group 1 local authority may resolve to disestablish its Māori wards/constituencies even if it has commenced a representation review in 2024 and that review has been completed or is still underway.³ If that is the case:
 - Any determination made by that local authority as part of its review has no affect; and
 - Any proceedings before the Commission relating to such a determination come to an end and the Commission is not required to take any further action in respect of it.
24. Any Group 1 local authorities that decide to disestablish their Māori wards/constituencies should proceed to decision two, as set out below.

² Schedule 1, clause 12

³ Schedule 1, clause 13

Decision two – what happens if there is a resolution to disestablish Māori wards/constituencies?

25. If a Group 1 local authority resolves to disestablish its Māori wards/constituencies, it must also resolve by **6 September 2024** either to:
- Revert to the representation arrangements that applied at the 2019 election (the 2019 election arrangements), if it can meet the requirements set out in clause 15, Schedule 1; or
 - Undertake a [shortened representation review](#).
26. It may be practical for local authorities considering whether to disestablish their Māori wards/constituencies to make both decisions at the same meeting.

Checkpoint – what is required before a local authority can revert to its 2019 election arrangements?

27. Group 1 local authorities must seek specific information before considering whether to their 2019 election arrangements. In particular, they must:
- Request from Stats NZ 2023 population estimates⁴ for their district/region, and each of the constituencies or wards, communities and subdivisions that applied at the 2019 election;
 - Provide Stats NZ with any information it requires concerning the definition of the constituencies or wards, communities and subdivisions that applied at the 2019 election;
 - Request from the Local Government Commission a statement on the consistency of the 2019 election arrangements with section 19V(2) (the +/-10% rule) based on the 2023 population estimates.

⁴ The 2023 population estimates are prepared by Stats NZ, and estimate the ordinarily resident population of an area as at 30 June 2023.

28. The following information must be tabled at the meeting to consider whether to revert back to the 2019 election arrangements:⁵
- The 2023 population estimates referred to above;
 - An explanation of how the requirements for fair and effective representation of communities of interest in accordance with sections 19T to 19W will be met if the local authority reverts to the 2019 election arrangements; and
 - The statement from the Local Government Commission referred to above.
29. With these decisions required by **6 September 2024**, any local authority considering whether to disestablish its Māori wards/constituencies are encouraged to contact Stats NZ and the Local Government Commission as soon as possible.

Some local authorities cannot revert to their 2019 election arrangements

30. Clause 15 of Schedule 1 limits the ability of local authorities to revert to their 2019 election arrangements to those that:
- Comply with the +/-10% rule; or
 - Do not comply with the +/-10% rule but have previously been exempted by a determination of the Local Government Commission under section 19V(3).
31. Previous exemptions given by the Commission continue to apply only to those specific constituencies, wards or subdivisions that were non-compliant at the time the Commission approved the exemption in a determination. This means that, if a constituency, ward or subdivision was compliant at the time of the Commission's last determination but becomes non-compliant when 2023 population estimates are applied to it, the local authority cannot revert to its 2019 election arrangements. If this is the case, the local authority must undertake a [shortened representation review](#).
32. 2023 population estimates for the constituencies, wards and subdivisions that existed at the 2019 election can be requested from Stats NZ by emailing RepresentationReview@stats.govt.nz
33. The Commission has directly contacted all local authorities that will not meet the requirements of clause 15. Any local authorities with questions regarding whether they are affected by clause 15 should contact the Commission at lgc@lgc.govt.nz .
34. If a local authority disestablishes its Māori wards/constituencies and it cannot, or chooses not to, revert to its 2019 election arrangements, then it must carry out the [shortened representation review process](#).

⁵ This information could also be included in the relevant report on the local authority's meeting agenda.

Checkpoint – have there been any changes to meshblocks since 2019?

35. Clause 17 provides that Group 1 local authorities considering reverting to their 2019 election arrangements must ensure that constituency, or ward, community and subdivision boundaries align with current Stats NZ meshblock boundaries.
36. It is possible that meshblock boundaries may have changed since 2019⁶, for example where the meshblock pattern has been modified to align to road or river centrelines, or where subdivision development has occurred. The current meshblock pattern will reflect these changes.
37. Local authorities must request details of any meshblock changes affecting 2019 boundaries from Stats NZ. To request this information, contact Stat NZ by emailing RepresentationReview@stats.govt.nz, noting that the local authority is considering reverting to its 2019 election arrangements.
38. Where 2019 boundaries no longer align with the meshblock pattern the local authority must determine through a resolution any necessary adjustments to boundaries to ensure they coincide with the boundaries of current meshblocks. The Commission recommends that non-aligned boundaries be moved the nearest meshblock boundary.

Descriptions of boundaries

39. A Group 1 local authority that has resolved to revert to its 2019 election arrangements must provide to the Surveyor-General:
 - A copy the existing descriptions for the wards, constituencies, communities and subdivisions being reverted to; or
 - Where changes have been made to boundaries to ensure alignment with the current meshblock pattern, new descriptions for the wards, constituencies, communities and subdivisions with changed boundaries.
40. If new descriptions are required to be prepared the information in paragraphs 11.7 to 11.14 in the Commission’s [Guidelines for local authorities undertaking representation reviews](#) should be followed.

Public notice

41. Group 1 local authorities must publicly notify a resolution to revert to the 2019 election arrangements. The public notice must include:
 - The number of elected positions the local authority will have
 - The number of appointed positions community boards will have, (if any)

⁶ Stats NZ refers to this as the 2020 meshblock pattern.

- the number, names, and boundaries of constituencies or wards (if any), communities (if any), and subdivisions (if any) and the number of members to be elected to each
- whether any adjustments have been made by Stats NZ to the meshblocks aligning with the constituency or ward, community, or subdivision boundaries used for the 2019 or 2016 elections and whether adjustments have been made to boundaries under clause 17.

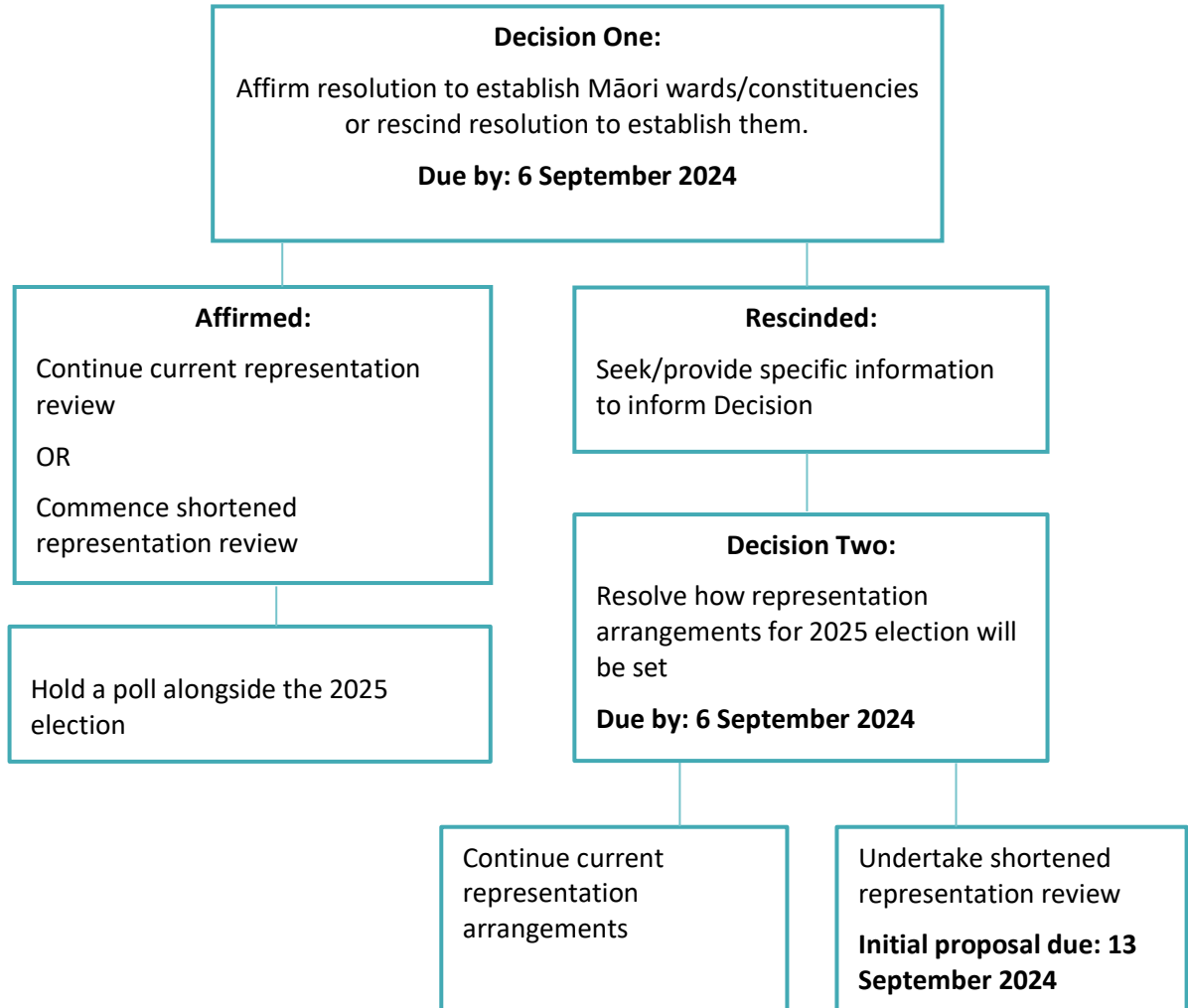
42. The public notice must be sent as soon as practicable to the following:

- Local Government Commission
- Surveyor-General
- Government Statistician
- Remuneration Authority
- if that notice was given by a territorial authority, any regional council in which the district of the territorial authority or a part of that district is situated
- if that notice was given by a regional council, every territorial authority whose district or a part of whose district is within the region

43. Addresses for delivery to the first four organisations listed above are listed in [Appendix 2](#).

Group 2 local authorities

44. At a high level, the Schedule 1 transitional provisions require Group 2 local authorities to take the following steps:



45. These steps are considered in detail below.

Decision one – affirm or rescind resolution to establish Māori wards/constituencies

46. By **6 September 2024** all Group 2 local authorities must actively resolve either to affirm their resolution to establish Māori wards/constituencies or rescind their resolution to do so.
47. This resolution is required even if a Group 2 local authority has previously resolved to affirm its resolution to establish Māori wards/constituencies prior to 31 July 2024 (whether as part of its current representation review or otherwise).

Considerations for decision-making

48. Schedule 1 does not set out any criteria for Group 2 local authorities to consider when deciding whether to rescind decisions to establish Māori wards/constituencies. Local authorities should, however, consider the principles set out in [section 4](#) of the Local Electoral Act that relate to representation.
49. The special consultative procedure does not apply to decisions to affirm a resolution to establish Māori wards/constituencies, or to rescind decisions to establish Māori wards/constituencies.⁷
50. Schedule 1 is otherwise silent on how local authorities should engage with their communities on this issue. Each local authority should abide by their Significance and Engagement Policy and take into account the decision-making and consultation requirements of Part 6, Local Government Act 2002.
51. [Section 81](#) of the Local Government Act 2002, dealing with contributions to decision-making processes by Māori, implies a requirement to engage with *mātāwaka* as well as *iwi/hapū*. Local authorities should consider how best to do this.

A resolution to affirm Māori wards/constituencies

52. If a Group 2 local authority decides to affirm its resolution to establish Māori wards/constituencies, it should:
 - Continue to carry out its current representation review, if this has already commenced; or
 - Commence a [shortened representation review](#), noting that the initial representation proposal must be resolved by 13 September 2024.
53. The next action required by Schedule 1 for such Group 2 local authorities is for a poll to be held alongside the 2025 election on whether the district/region should be divided into 1 or more Māori wards/constituencies.

A resolution to rescind the decision to establish Māori wards/constituencies

54. A Group 2 local authority may resolve to rescind its decision to establish Māori wards/constituencies even if it has commenced a representation review in 2024 and that review has been completed or is still underway.⁸ If that is the case:
 - Any determination made by that local authority as part of its review has no affect; and

⁷ Schedule 1, clause 30

⁸ Schedule 1, clause 31

- Any proceedings before the Commission relating to such a determination comes to an end and the Commission is not required to take any further action in respect of it.

55. Any Group 2 local authorities that rescind their decision to establish Māori wards/constituencies should proceed to decision two, as set out below.⁹

Decision two – what happens if the decision to establish Māori wards/constituencies is rescinded?

56. If a Group 2 local authority resolves to rescind its resolution to establish Māori wards/constituencies, it must also resolve by **6 September 2024** how its representation arrangements for the 2025 election will be determined.

57. There are different options for how Group 2 local authorities can do so, depending on when they last completed a representation review:

- local authorities that last completed a representation review ahead of the 2022 election can resolve to continue their existing representation arrangements, with no further requirements to be met¹⁰;
- local authorities that last completed a representation review ahead of the 2019 election can resolve to continue their existing representation arrangements if they can meet the requirements set out in clause 35, Schedule 1.¹¹ If they do not meet the requirements of clause 35, Schedule 1 then they must undertake a [shortened representation review](#);
- Any Group 2 local authorities may also choose to undertake a shortened representation review, irrespective of the above options.

58. It may be practical for Group 2 local authorities considering whether to rescind their decision to establish Māori wards/constituencies to make the second decision at the same meeting.

⁹ Schedule 1, clause 31

¹⁰ This option is available to Kapiti Coast District Council, Kawerau District Council and Thames-Coromandel District Council.

¹¹ This option is available to Central Hawke's Bay District Council, Hauraki District Council, Hutt City Council, Napier City Council, South Wairarapa District Council, Tasman District Council, Upper Hutt City Council, Wellington Regional Council, Western Bay of Plenty District Council and Whanganui District Council.

Checkpoint – what is required before a local authority can resolve to continue their existing representation arrangements?

59. Group 2 local authorities must seek specific information before considering whether or not to resolve to continue their existing representation arrangements. In particular, they must:
- Request from Stats NZ 2023 population estimates for their district/region, and each of the constituencies or wards, communities and subdivisions that make up their current representation arrangements;
 - Provide Stats NZ with any information it requires concerning the definition of the constituencies or wards, communities and subdivisions that make up their current representation arrangements;
 - Request from the Local Government Commission a statement on the consistency of the pre-2020 arrangements with section 19V(2) (the +/-10% rule) based on the 2023 population estimates.
60. At the meeting to consider whether the local authority will resolve to continue their existing representation arrangements the following must be tabled:
- The 2023 population estimates referred to above;
 - An explanation of how the requirements for fair and effective representation of communities of interest in accordance with sections 19T to 19W will be met if the local authority continues its current representation arrangements; and
 - The statement from the Commission referred to above.
61. With these decisions required by **6 September 2024**, any local authority considering whether to rescind its resolution to establish Māori wards/constituencies are encouraged to contact Stats NZ and the Local Government Commission as soon as possible.

Some local authorities cannot continue their current representation arrangements

62. Clause 35 of Schedule 1 limits the ability of local authorities to continue their current representation arrangements to those that:
- Comply with the +/-10% rule; or
 - Do not comply with the +/-10% rule but have previously been exempted by a determination of the Local Government Commission under section 19V(3).

63. Previous exemptions given by the Commission continue to apply only to those specific wards, constituencies or subdivisions that were non-compliant at the time the Commission approved the exemption in a determination. This means that, if a wards, constituency or subdivision was compliant at the time of the Commission's last determination but becomes non-compliant when 2023 population estimates are applied to it, the local authority cannot revert to its current representation arrangements. In such a case, the local authority must undertake a [shortened representation review](#).
64. The Commission has directly contacted all local authorities that will not meet the requirements of clause 35, Schedule 1. Any local authorities with questions regarding whether they are affected by clause 35 should contact the Commission at lgc@lgc.govt.nz.

Public notice

65. Group 2 local authorities must publicly notify a resolution to continue their current representation arrangements. The public notice must include the following:
- The number of elected positions the local authority will have
 - The number of appointed positions community boards will have (if any)
 - the number, names, and boundaries of constituencies or wards (if any), communities (if any), and subdivisions (if any) and the number of members to be elected to each
66. The public notice must be sent as soon as practicable to the following:
- Local Government Commission
 - Surveyor-General
 - Government Statistician
 - Remuneration Authority
 - if that notice was given by a territorial authority, any regional council in which the district of the territorial authority or a part of that district is situated
 - if that notice was given by a regional council, every territorial authority whose district or a part of whose district is within the region
67. Addresses for delivery to the first four organisations listed above are listed in [Appendix 2](#).

Descriptions of boundaries

68. If a Group 2 local authority resolves to continue its existing representation arrangements it is not required to provide to the Surveyor-General a description of its wards, constituencies, communities or subdivisions, as the existing descriptions for those areas remain valid.
69. Exceptions to this apply to two councils. New descriptions where appropriate will be required for:
- Central Hawke’s Bay District Council, as the existing description of one ward does not meet the requirements of the Surveyor-General as set out in [Standard for plans of local authority electoral areas - LINZS50000](#)
 - Western Bay of Plenty District Council, as several descriptions need updating to reflect boundary alterations between Western Bay of Plenty District and Tauranga City.
70. Where new descriptions are required to be prepared the advice in paragraphs 11.7 to 11.14 in the Commission’s [Guidelines for local authorities undertaking representation reviews](#) should be followed.

Tauranga City Council

71. Tauranga City Council is included in the Group 1 local authorities but is subject to a different set of requirements due to its new council being elected on 22 July 2024 and the following election of the council to be held in October 2028.
72. Tauranga City Council is required to resolve by 30 November 2026 whether to:
- Disestablish its Māori ward (with affect for the 2028 election); or
 - Hold a binding poll on whether Tauranga City should be divided in to 1 or more Māori wards.
73. If the council resolves to hold a poll, the poll must be held by 28 March 2027.
74. The outcome of the poll must be included in the Council’s 2027 representation review. The council is required to undertake a representation review in 2027, regardless of the outcome of a poll. The review will be conducted under the normal process for a representation review.

Shortened representation reviews

75. Shortened representation reviews (shortened reviews) apply to any local authority that disestablishes its Māori wards/constituencies or rescinds its decision to establish Māori wards/constituencies and cannot revert to its 2019 or current election arrangements. Any local authority that meets the criteria for reverting to their 2019 or current election arrangements may also choose to instead carry out a shortened review.
76. A shortened review must follow the same steps as a normal representation review but using the timetable set out in clauses 21 to 28 of Schedule 1. The timetable for a shortened review is set out in the table below.
77. All other requirements for a shortened review are the same as for a normal review. The advice contained in the Commission’s [Guidelines for local authorities undertaking representation reviews](#) apply to shortened reviews except for the timeline.

Procedure	Deadline	Relevant section
Local authority resolves proposed representation arrangements	Initial proposals must be made by 13 September 2024	<ul style="list-style-type: none"> • 19H (territorial authorities) • 19I (regional councils) • 19J (community boards) • Schedule 1A for Māori wards or constituencies
Local authority gives public notice of “initial” proposal and invites submissions	Within 7 days of resolution, and not later than 20 September 2024	19M(1)
Submissions close	Not less than 3 weeks after public notice	19M(2)(d)
If no submissions then proposal becomes final ¹²	Public notice to be given when there are no submissions but no date fixed for doing this	19Y(1)
Local authority considers submissions and may make resolution to amend proposal	Within 6 weeks of closing date for submissions	19N(1)(a)

¹² Under section 19V(4) proposals that do not comply with the +/-10% fair representation requirement are subject to confirmation by the Commission even if no submissions, appeal or objections have been lodged.

Procedure	Deadline	Relevant section
Local authority gives public notice of its "final" proposal	Within 6 weeks of closing date for submissions	<i>19N(1)(b)</i>
Appeals and objections close	Must be lodged: <ul style="list-style-type: none"> • not less than 3 weeks after the date of the public notice issued under section 19N(1)(b) • not later than 13 December 2024 	<i>19O</i> <i>19P</i>
If no appeals or objections, then proposal automatically becomes final	Public notice to be given when there are no appeals/objections, but no date fixed for doing this	<i>19Y(1)</i>
Local authority forwards appeals, objections, and other relevant information to the Commission ¹³	As soon as practicable, but not later than 23 December 2024	<i>19Q</i> <i>19V(4)</i>
Commission considers resolutions, submissions, appeals and objections and makes determination	Before 11 April 2025	<i>19R</i>
Determination subject to appeal to High Court on a point of law ¹⁴	Appeals to be lodged within 1 month of determination	<i>Clause 2,</i> <i>Schedule 5,</i> <i>Local Government Act 2002</i>

78. Local authorities undertaking a shortened review must use Stats NZ's 2023 population estimates (based on the 2018 census). Population statistics from the 2023 census will not be available in time for this representation review cycle in sufficient geographic detail.

¹³ Includes any proposal that does not comply with the +/-10% fair representation requirement.

¹⁴ Commission determinations may also be subject to judicial review.

Deadline for initial representation review proposal extended in some cases

79. A Group 1 or Group 2 local authority may extend the deadline for resolving its initial representation review proposal from 31 July 2024 to 13 September 2024 if the local authority is undertaking a representation review in 2024 but has not resolved its initial proposal by 31 July 2024. A local authority that decides to extend the deadline must carry out a shortened representation review in line with the timeframes listed in the table above.
80. The extension of the deadline for resolution of an initial proposal to 13 September 2024 is not dependent on a local authority affirming its Māori wards/constituencies, resolving to disestablish its Māori wards/constituencies, or rescinding its decision to establish them.

How long do local authority decisions or poll results have effect for?

81. A decision by a local authority under Schedule 1:
- to disestablish its Māori wards/constituencies takes effect for the 2025 and 2028 elections;
 - to rescind its decision to establish Māori wards/constituencies takes effect for the 2025 election.
82. This means that the next time such local authorities can reconsider establishing Māori wards/constituencies is ahead of the 2028 (for local authorities that rescind their decision) or 2031 election (for local authorities that disestablish their Māori wards or constituencies).
83. Where a poll is held alongside the 2025 election to determine whether a local authority should be divided into one or more Māori wards/constituencies, that poll result is binding for the following two electoral terms:
- A 'yes' result means that Māori wards/constituencies must remain part of the local authority's representation arrangements for the 2028 and 2031 elections
 - A 'no' result means that Māori wards/constituencies must not form part of the local authority's representation arrangements for the 2028 and 2031 elections.
84. For local authorities that have held a poll alongside the 2025 election, the next opportunity to consider the establishment or disestablishment of Māori wards/constituencies is ahead of the 2034 elections.
85. Such change could happen in the following ways:

- The local authority could make a decision to establish or disestablish their Māori wards/constituencies. That decision could then be subject to a further poll if a petition of at least 5% of electors is received within the requisite timeframes; or
- The local authority could resolve itself to hold a further poll on whether the local authority should be divided into one or more Māori wards/constituencies; or
- A petition of at least 5% of electors could be received requesting that the local authority either establish or disestablish its Māori wards/constituencies. If this occurs the local authority will be required to hold a further poll on this matter.

86. If no changes are made ahead of the 2034 election, then the 2025 election poll result continues to have effect for future elections beyond 2034, unless or until one of the actions in paragraph 85 above takes place.

87. These arrangements are summarised in the following table.

Category of local authority	Decision/poll has affect for
Group 1 local authority disestablishing	2025 and 2028 elections
Group 2 local authority rescinding	2025 election
Local authority holding poll in 2025	2028 and 2031 elections
Tauranga City Council holding poll by 30 November 2026	2028 and 2031 elections

When will the next representation review be required?

88. The timing of a local authority's next representation review will depend on which action it has chosen to take under the Schedule 1 transitional provisions, and on the outcome of any poll held on whether Māori wards will be retained or disestablished.
89. Where a poll held in conjunction with the 2025 elections results in the retention of Māori wards/constituencies the requirement for the next representation review follows the local authority's regular review schedule.
90. Where a poll held in conjunction with the 2025 elections results in the disestablishment of Māori wards/constituencies the local authority must undertake a representation review in 2027.
91. The potential range of outcomes is summarised in the following table:

Group	Action under Schedule 1 transitional provisions	Next review required by ...
Group 1	Shortened review	2030
Group 1	Reverting to 2019 election arrangements	2027
Group 1	Tauranga City Council	2027
Group 2	Shortened review	2030
Group 2	Continuing existing arrangements (and last review was in 2019)	2027
Group 2	Continuing existing arrangements (and last review was in 2022)	2030

Note: Where the next review is required to be undertaken in 2030, the local authority may choose to undertake a review in 2027.

Appendix 1

Group 1 and Group 2 local authorities

Group 1 local authorities

Far North District Council	Palmerston North City Council
Gisborne District Council	Porirua City Council
Hamilton City Council	Rangitikei District Council
Hastings District Council	Rotorua District Council
Hawke's Bay Regional Council	Ruapehu District Council
Horowhenua District Council	South Taranaki District Council
Kaipara District Council	Stratford District Council
Manawatu District Council	Taranaki District Council
Manawatū-Whanganui Regional Council	Tararua District Council
Marlborough District Council	Taupo District Council
Masterton District Council	Tauranga City Council
Matamata-Piako District Council	Waikato District Council
Nelson city Council	Waipa District Council
New Plymouth District Council	Wellington City Council
Northland Regional Council	Whakatane District Council
Ōtorohanga District Council	Whangarei District Council

Group 2 local authorities

Central Hawke's Bay District Council	Tasman District Council
Hauraki District Council	Thames-Coromandel District Council
Hutt City Council	Upper Hutt City Council
Kapiti Coast District Council	Wellington Regional Council
Kawerau District Council	Western Bay of Plenty District Council
Napier City Council	Whanganui District Council
South Wairarapa District Council	

Appendix 2

Delivery addresses for organisations

Local Government Commission – lgc@lgc.govt.nz

Surveyor-General – electoral@linz.govt.nz

Government Statistician – RepresentationReview@stats.govt.nz

Remuneration Authority – info@remauthority.govt.nz



Mana Kāwanatanga ā Rohe

Local Government Commission

STATEMENT ON CONSISTENCY OF WHANGAREI DISTRICT COUNCIL'S PRE-2020 REPRESENTATION ARRANGMENTS WITH SECTION 19V(2) OF THE LOCAL ELECTORAL ACT 2001

Clause 15(2)(c)(iii) of Schedule 1 of the Local Electoral 2001 (the Act) requires the Local Government Commission to provide to Group 1 local authorities, as listed in clause 10 of Schedule 1, a statement on the consistency of their pre-2020 representation arrangements with section 19V(2) of the Act, taking into account the 2023 population estimates.

The pre-2020 representation arrangements for Whangarei District were determined in the representation review conducted prior to the 2019 elections. Those arrangements were as follows:

Ward	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Mangakahia-Maungatapere	6,330	1	6,330	-571	-8.27
Hikurangi-Coastal	12,510	2	6,255	-646	-9.36
Whangarei Heads	6,930	1	6,930	29	0.42
Denby	22,140	3	7,380	479	6.94
Okara	29,210	4	7,303	402	5.82
Bream Bay	12,590	2	6,295	-606	-8.78
Total	89,710	13	6,901		

Population statistics are sourced from the 2017 population estimates (2013 base) provided by Stats NZ

These arrangements were compliant with section 19V(2), and the Commission was not required to uphold an exception under section 19V(6) of the Act.

Application of 2023 population estimates to those arrangements results in the following:

Ward	Population	Members	Population-member ratio	Difference from quota	% Difference from quota
Mangakahia-Maungatapere	7,780	1	7,780	-62	-0.79
Hikurangi-Coastal	14,500	2	7,250	-592	-7.55
Whangarei Heads	8,220	1	8,220	378	4.82
Denby	24,400	3	8,133	291	3.71
Okara	30,900	4	7,725	-117	-1.50
Bream Bay	16,150	2	8,075	233	2.97
Total	101,950	13	7,842		

Population statistics are sourced from the 2023 population estimates (2018 base) provided by Stats NZ

These arrangements are compliant with section 19V(2), when 2023 population estimates are applied to them.

Penny Langley
Chief Executive Officer
Local Government Commission

2 August 2024

6.2 Proposed Temporary Road Closure - Whangārei Fireworks Spectacular

Meeting: Whangārei District Council
Date of meeting: 29 August 2024
Reporting officer: Lana van Bergenhenegouwen, Community Events Co-ordinator
 Gordon Whyte, CAR Specialist

1 Purpose / Te Kaupapa

To seek approval of the proposal to temporarily close roads, to allow the Northland Events Centre (2021) Trust to hold the Whangarei Fireworks Spectacular on Saturday 2nd November 2024.

2 Recommendations / Whakataunga

That Whangārei District Council:

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

Saturday 2nd November 2024

Okara Drive, from the roundabout at Okara Drive and Porowini Ave to the roundabout at Okara Drive and Port Road.

Period of Closure: 2pm to 10pm

2. Approves the proposal to temporarily close the side roads off the roads to be closed for up to 100 meters from the intersection for safety purposes.
3. 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.

3 Background / Horopaki

The Whangarei Fireworks Spectacular is a family friendly fireworks event that the Lions have been running since 1995. This event includes live music, kids' activities, and food vendors. Northland Events Centre (2021) Trust event manage this event on behalf of the Lions Club of Whangarei. Expected attendance is around 8,000 people.

4 Discussion / Whakawhiti kōrero

Northland Event Centre Trust staff are working closely with contractors to ensure they present a safe and well managed event. Given the large number of expected attendees, a temporary road closure will ensure staff and contractors can safely manage patrons as they arrive at the stadium and depart after the event.

A traffic management provider will be engaged to submit a traffic management plan to council for approval and to implement the traffic management plan on the day.

There will be public communications prior to the event providing information around walking routes to the stadium, drop off and pick up zones and suggested parking sites for those attending the event.

Consultation with affected parties within the closure will be carried out.

4.1 Risks

Patrons attending the event need to know they can arrive and depart the stadium safely and that the traffic in the area is well managed. A temporary road closure allows this and dramatically reduces the likelihood of a vehicular related incident occurring.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website, Council News, and marketing by the event organisers.

6 Attachments / Ngā Tāpiritanga

1. Application Letter
2. Certificate of Insurance
3. Road Closure Map



51 Okara Drive, Whangārei, 0110, New Zealand | Phone: 09 430 4833

2 August 2024

Attention: Lana Bergenhenegouwen
Whangarei District Council
Community Event Co-ordinator
Private Bag 9023

Dear Lana

Whangārei Fireworks Spectacular – Saturday 2 November 2024

The Whangārei Fireworks Spectacular is being held on Saturday 2 November 2024 at Semenoff Stadium, Okara Drive, Whangārei.

In order to assist us with the delivery of the event, we would like to request a temporary road closure of the following street from 2.00pm – 10.00pm on Saturday 2 November 2024:

Okara Drive – From the Okara Drive/ Porowini Avenue Roundabout to the Okara Drive/ Port Road Roundabout. Refer to attached map.

Yours faithfully

Rachel O'Gorman

Events & Marketing Manager Northland Events Centre (2021) Trust

Certificate of Insurance

Policy Number is P000633342MSH



QBE Insurance (Australia) Limited
ABN 78 003 191 035 - Incorporated in Australia

Policy Information

Policy Number P000633342MSH

Period of Insurance

From 22/12/2023 at 4pm
To 22/12/2024 at 4pm

Insured

Northland Events Centre (2021) Trust

General Liability**Cover Details****Wording**

eDIT GL v1 : Marsh General Liability

	Limit of Indemnity	Excess	Currency
Public Liability	10,000,000	any one Occurrence 1,000	NZD
Product Liability	10,000,000	in the aggregate any one Period of Insurance 1,000	NZD

For full details of the Limit of Indemnity please review the wording in full.

Territorial Limits

General Indemnity Occurrences during and in connection with the performance of duties of any person normally resident/domiciled in NZ but not while performing duties requiring predominantly manual labour except for the purposes of training or promoting the sale of Products
Worldwide excluding USA/Canada
Anywhere in the world

Occurrences in connection with Products: Anywhere in the world except the United States of America and Canada

Summary

Cover is subject to the terms and conditions of the policy as issued. For a full description of the coverage please refer to the policy document.

Issued and signed by QBE's authorised representative

Dated: 7 December 2023



Certificate of Insurance

Policy Number is P000633342MSH



QBE Insurance (Australia) Limited
 ABN 78 003 191 035 - Incorporated in Australia

Policy Information

Policy Number P000633342MSH

Period of Insurance

From 22/12/2023 at 4pm
To 22/12/2024 at 4pm

Insured

Northland Events Centre (2021) Trust

Statutory Liability**Cover Details****Wording**

STL1122 : Statutory Liability

Limit of Indemnity

NZD 2,000,000 any one Event and in the aggregate any one Period of Insurance

Summary

Cover is subject to the terms and conditions of the policy as issued. For a full description of the coverage please refer to the policy document.

Issued and signed by QBE's authorised representative

Dated: 7 December 2023



Certificate of Insurance

Policy Number is P000633342MSH



QBE Insurance (Australia) Limited
 ABN 78 003 191 035 - Incorporated in Australia

Policy Information

Policy Number P000633342MSH

Period of Insurance

From 22/12/2023 at 4pm
To 22/12/2024 at 4pm

Insured

Northland Events Centre (2021) Trust

Employers Liability**Cover Details****Wording**

ELC1122 : Employers Liability (Claims Made)

Limit of Indemnity

NZD 1,000,000 any one Claim and in the aggregate any one Period of Insurance

Summary

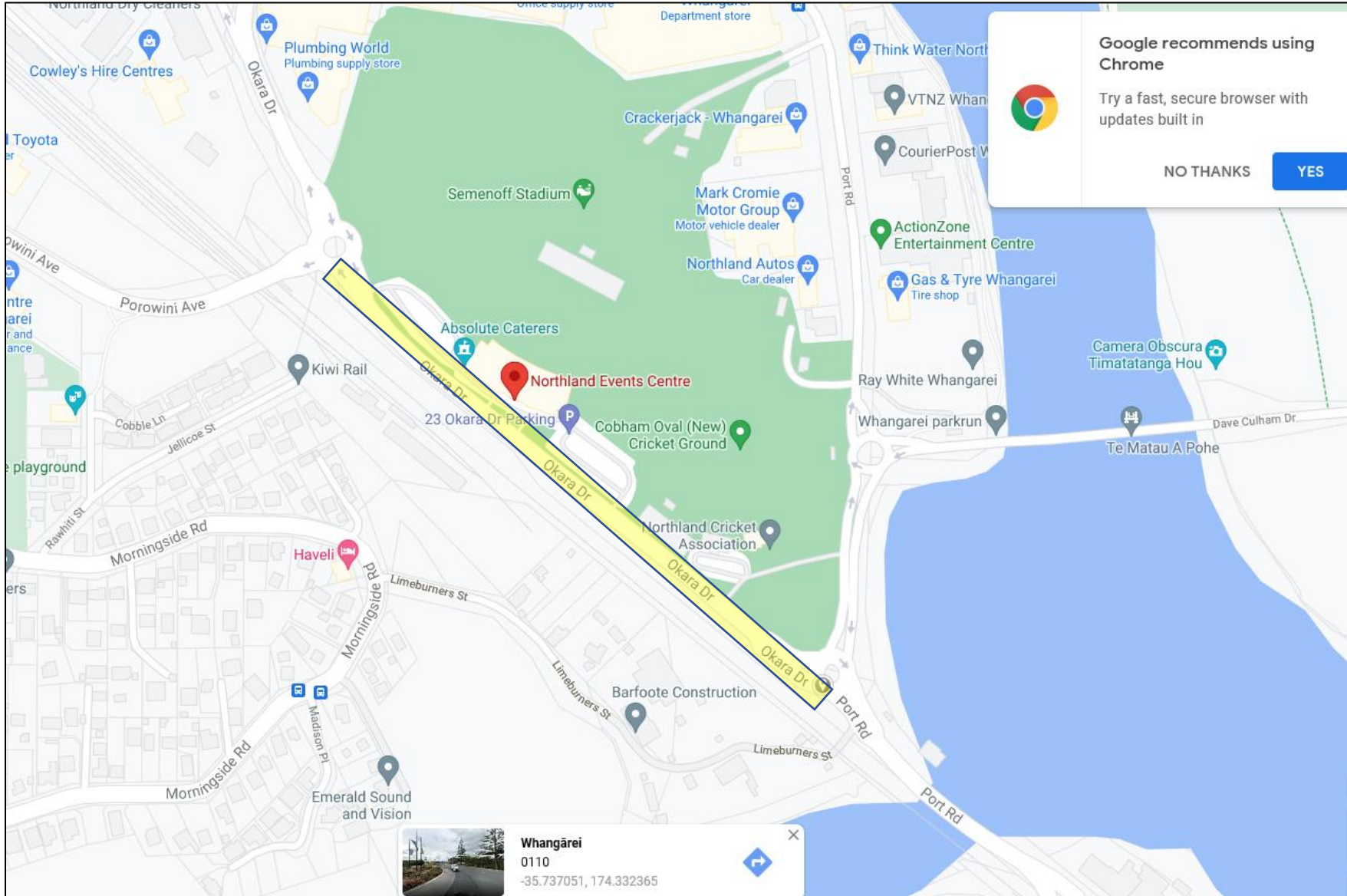
Cover is subject to the terms and conditions of the policy as issued. For a full description of the coverage please refer to the policy document.

Issued and signed by QBE's authorised representative

Dated: 7 December 2023



Whangarei Fireworks Spectacular – Semenoff Stadium, Whangārei – Saturday 2 November 2024



Requested Road Closure highlighted yellow

6.3 Proposed Temporary Road Closure - Dress for Success, Walkin Wardrobe Event 2024

Meeting: Whangārei District Council
Date of meeting: 29th August 2024
Reporting officer: Lana van Berghenhouwen (Community Events Co-ordinator)
 Gordon Whyte (CAR Specialist)

1 Purpose / Te Kaupapa

To seek approval of the proposal to temporarily close roads, to allow Dress for Success Northland Inc to hold their Walkin Wardrobe event on 19th October 2024.

2 Recommendation/s / Whakataunga

That Whangārei District Council:

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

Saturday 19th October 2024

Butter Factory Lane, from number 10 Butter Factory Lane to number 12 Butter Factory Lane.

Period of Closure: 7am to 5pm

2. Approves the proposal to temporarily close the side roads off the roads to be closed for up to 100 metres from the intersection for safety purposes.
3. 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.

3 Background / Horopaki

The Walkin Wardrobe is Dress for Success Northland Inc's annual event where the public are given the opportunity to walk in and walk out with a wardrobe, and where second-hand clothing is available to purchase on a donation basis. The theme is "Take what you want, pay what you can". This year Dress for Success Northland Inc would like to hold the event at their premises where they keep the main wardrobe with other career focused stalls set up outside on Butter Factory Lane.

4 Discussion / Whakawhiti kōrero

Dress for Success Northland Inc have requested that a section of the Lane be temporarily closed due to the fact that access in and out of their premises consists of a narrow footpath which won't cater to the number of people expected to attend the event (300). Therefore, if this section of the Lane is not closed, the crowds will more than likely spill out of the Dress for Success Northland Inc premises and onto the Lane where cars and trucks drive down, making it quite dangerous for pedestrians/people attending the event.

Dress for Success Northland Inc would also like to invite other career focused organisation to set up stalls outside their premises on the Lane to support their work in the employment field and to educate the public on the different providers available here in Whangarei to assist them in the employment journey. A temporary road closure would allow Dress for Success Northland Inc to achieve this.

Dress for Success Northland Inc event organisers will work with Councils Corridor Access Request (CAR) Specialist to ensure traffic management requirements are fulfilled and approval is given regarding corridor access/the traffic management plan for the event.

Consultation with affected parties within the closure will be carried out.

4.1 Risks

As the event in the past has attracted over 300 people over the course of the day, closing this section of Butter Factory Lane will dramatically reduce the likelihood of a vehicular/pedestrian related incident occurring.

Dress for Success Northland Inc have not requested the entire lane be closed, just the part of the road outside their premises, as there are other businesses who may need to use the Lane. Dress for Success Northland Inc will have the area coned, clear signs that the lane is temporarily closed/event in progress, with traffic wardens at each end of the Lane directing traffic as required.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website, Council News, Facebook and marketing by the event organisers.

6 Attachments / Ngā Tāpiritanga

1. Application Letter
2. Route Map
3. Insurance Certificate



1st August 2024

To The Whangarei District Council,

This is a letter to request the temporary closure of part of the Lane on Butter Factory Lane, Whangarei. On October 19th 2024 we will be holding a second-hand clothing sale at our premises at 10-12 Butter Factory Lane for the public to purchase clothing by donation. The event is called Walk in Wardrobe – Take what you want, pay what you can.

This is our annual give back to the community fundraiser with all proceeds going back into our organisation to provide our unique career services that include one on one styling dressings, interview skills and career workshops free of charge.

The request is for the Lane to be closed to vehicles but open to pedestrians at 10 – 12 Butter Factory Lane outside our premises only from 7am-5pm which will allow for other businesses on the street to access their businesses from Rathbone st and Robert st, no businesses or carpark holder will be closed off to their businesses by this part closure of the Lane.

Our organisation was established in Whangarei in 2002, our values Manaakitanga, Whakamana and Kotahitanga guide all our practices and implementation of our services. It is with these values that we make this request.

Naku noa,

Roimata Hawke

Executive Manager

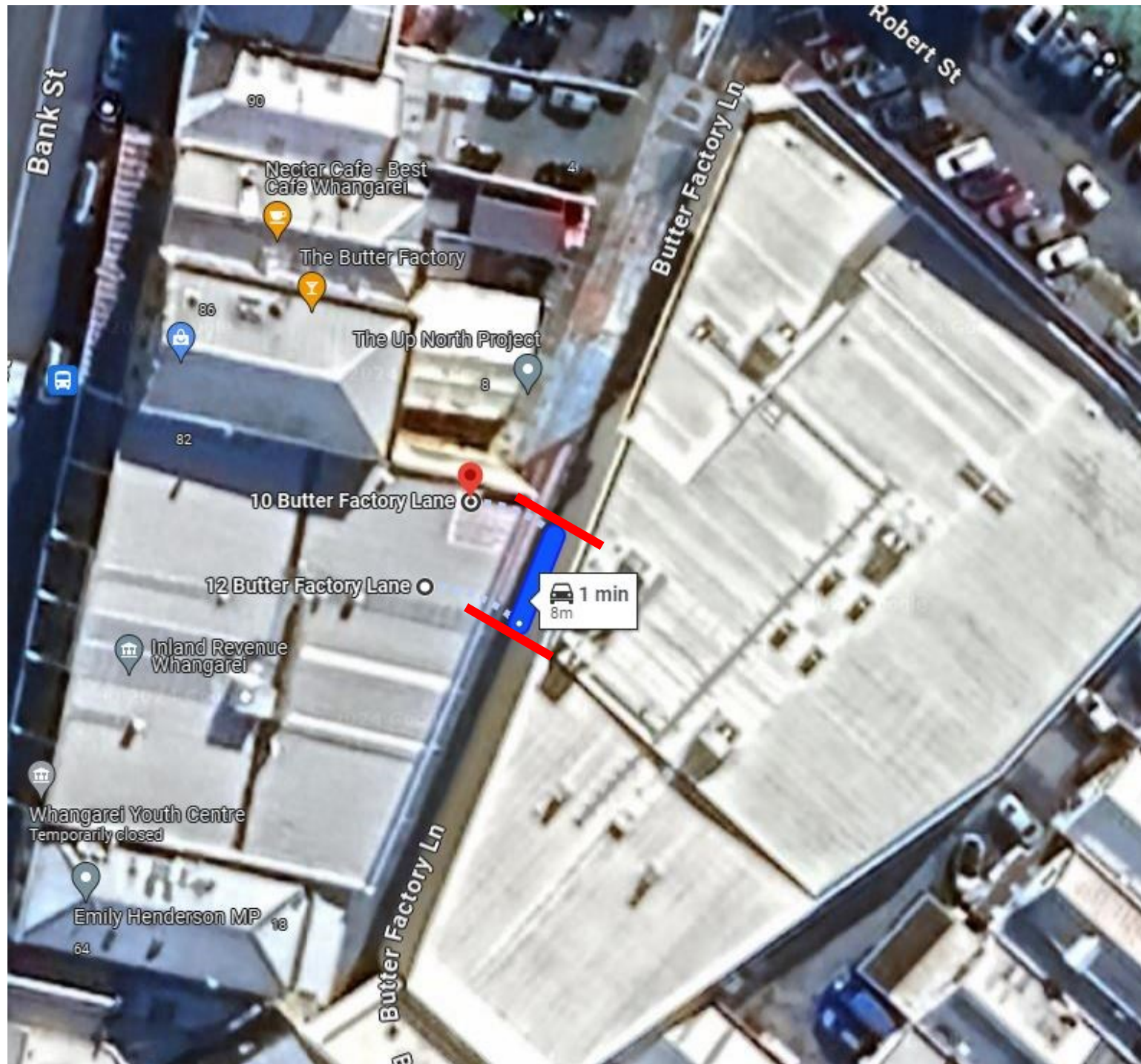
Dress for Success Northland

10-12 Butter Factory Lane

northland@dressforsuccess.org

09 438 5505

021 067 8293



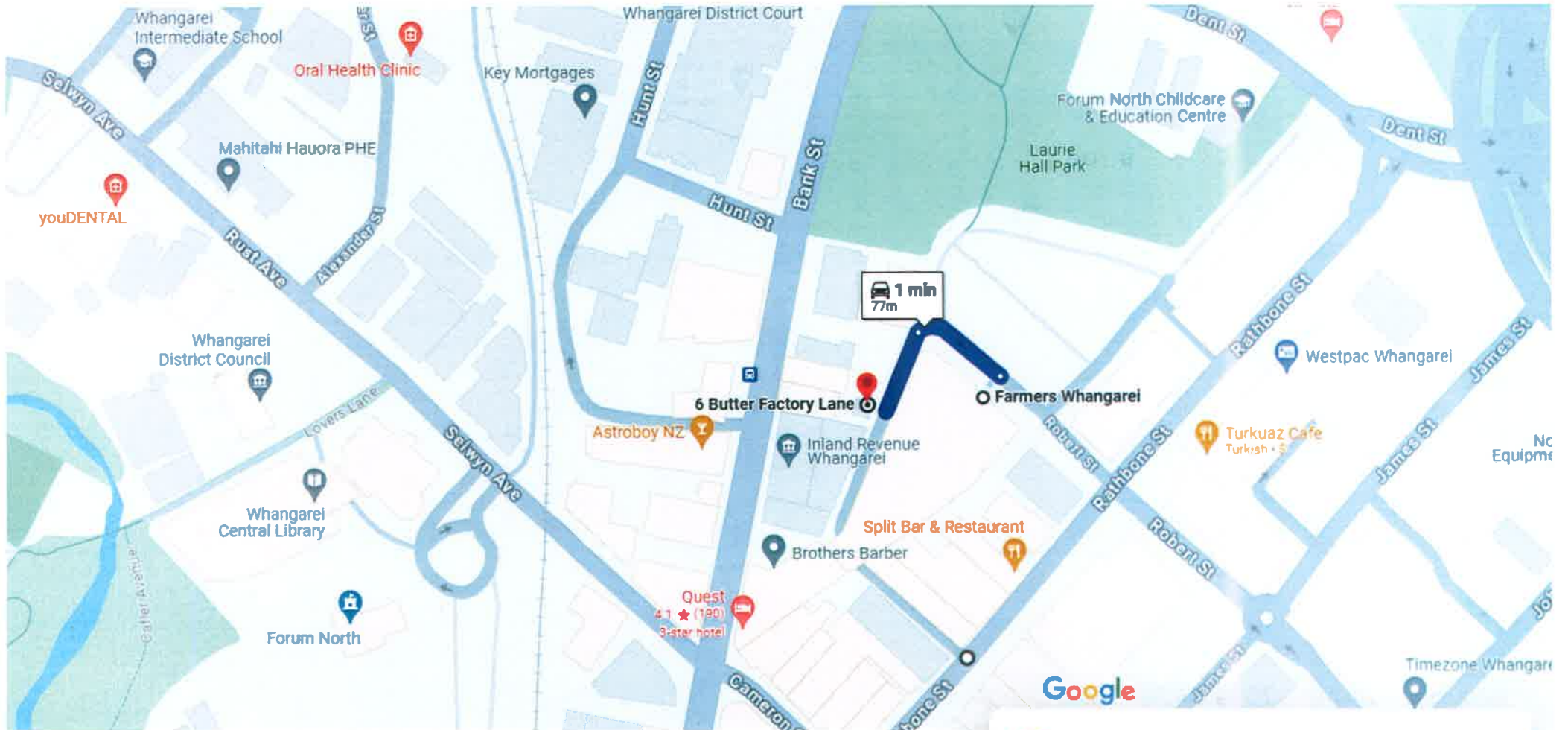
Google Maps 6 Butter Factory Ln



Image capture: Sep 2022 © 2024 Google



XXX = Proposed.
Area closed to
vehicle traffic



Farmers Whangarei

2/8 Robert Street, Whangārei 0110

Alternative route to each end of Butter Factory Lane from Robert st.



Help us improve Google Maps



No thanks

Show question

By continuing, you agree Google uses your answers, [account](#) & [system info](#) to improve services, per our [Privacy](#) & [Terms](#).



ASB Whangarei Branch
 5 Rathbone Street, Whangārei 0110

Alternative route to each end of Butter Factory Lane from Rathbone st.

Google

Help us improve Google Maps ✕

No thanks Show question

By continuing, you agree Google uses your answers, [account & system info](#) to improve services, per our [Privacy](#) & [Terms](#).



CERTIFICATE OF INSURANCE

CLASS OF BUSINESS: General Liability

POLICY NUMBER: NZ00015779-001-GL

INSURED: Dress for Success (Northland) Incorporated, Dress for Success Christchurch Incorporated, Dress for Success Hamilton Trust, Dress for Success Incorporated, Dress for Success New Plymouth Trust, Dress for Success Wellington Incorporated, Work Manawatu t/as Dress for Success Palmerston North

BUSINESS: Charity Association - Providing Professional Attire, Network of Support and Career Development Tools for Women

INSURANCE PERIOD: From 4:00 pm on 01/08/2024 to 4:00pm 1/08/2025 New Zealand local time

INDEMNITY LIMIT:
Public Liability
\$2,000,000 any one **occurrence**
Product Liability
\$2,000,000 in the aggregate during any one **insurance period**

INSURER: DUAL New Zealand Limited and on behalf of certain underwriters at Lloyd's

UNIQUE MARKET REFERENCE: B1969DS2400050

INTERESTED PARTIES: Nil

SIGNATURE:

Damien Coates – Chief Executive Officer, DUAL Asia Pacific
Signed on behalf of certain underwriters at Lloyd's

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enquiries@dualnewzealand.co.nz
www.dualnewzealand.co.nz
Part of the DUAL International Group

6.4 Update on Community Safety Initiatives and Impacts to Council from Graffiti and Vandalism in the District.

Meeting:	Whangarei District Council
Date of meeting:	29 August 2024
Reporting officer:	Victoria Harwood General Manager Community Jacki Cooper Manager Community Development

1 Purpose / Te Kaupapa

To update elected members on council activities in relation to community safety initiatives and on the financial impacts to council in the last 12 months of graffiti and vandalism to council assets in the district.

2 Recommendations / Whakataunga

That the Council:

1. Receives the report.
2. Acknowledges the direct financial costs to council of the impacts of graffiti and vandalism on council assets the district.
3. Acknowledges anti-social behaviours are directly affecting the community and endorses the actions undertaken by council staff and contractors in response to these impacts.
4. Endorses the council community safety work programme and acknowledges the current limitations of that programme.

3 Background / Horopaki

Council has an integral role in district community safety working collaboratively with central government and non-government agencies and stakeholders. Community safety initiatives delivered by council are proactive in their approach to reducing anti-social behaviour in the district, but there are also many instances where staff must be reactive due to the nature of the incidents, with anti-social behaviours contributing towards making the environment feel unsafe for the wider community.

Some anti-social behaviours are demonstrated through vandalism and graffiti and council assets can often be the target. There is a financial impact to council and ratepayers through councils' community safety programme and necessary response to anti-social behaviour impacts. An assessment of the costs associated with community safety initiatives and

responding to vandalism and graffiti over the last 12-months has been undertaken to highlight costs to council.

The community also has concerns for safety within the district, with the annual Residents Survey results 2023-2024 demonstrating that 92% of respondents to the survey had 'making Whangarei safer' as their top priority for community outcomes for the district.

IMPORTANCE OF COMMUNITY OUTCOMES*



Diagram 1 (Orange is 2024, other colours previous 5 years)

Government Targets

In April 2024, the Government set nine targets approved by Cabinet that focus on public sector agencies achieving improved results in health, education, law and order, work, housing, and the environment. The nine targets are:

1. Shorter stays in emergency departments
2. Shorter wait times for treatment
3. Reduce child and youth offending
4. Reduce violent crime
5. Fewer people on the Jobseeker support benefit
6. Increase student attendance
7. More students at expected curriculum levels
8. Fewer people in emergency housing
9. Reduce net greenhouse gas emissions

Further detail found here <https://www.dpmc.govt.nz/our-programmes/government-targets>

It is expected the government's targets if achieved will start addressing many of the social issues which may contribute to people demonstrating anti-social behaviours, including graffiti, and vandalism.

Internally, council's actions to mitigate customers anti-social behaviours towards staff is led by Health and Safety staff, with policies, plans, procedures, reporting, and physical infrastructure in place to support staff and contractors in protecting themselves and other customers in the vicinity of an incident.

Council's provision of community safety initiatives in the district includes one full time Community Safety Officer staff member in the Community Development department who manages the Community Safety budget. This budget supports the Stop Tags database software and its administration, council's CCTV network including additions to the network if funding is available, monitoring and maintenance of the network, a reduced Summer Safe Carpark programme, the CitySafe Community Officer programme, and the CCTV Activate Programme. Any expansion of existing programmes or additional safety programmes is limited due to resourcing.

Several other departments contribute to safety initiatives including Health and Bylaws (where bylaws can be enforced), infrastructure planning utilising Crime Prevention through Environmental Design (CPTED), Strategy through 2019 City Core Precinct Plan, the 2020

Complete Streets Masterplan and 2021 Inner City Living Business Case, Transport through street lighting and safety programmes and signage and Infrastructure projects urban planning and design and delivering new CCTV installations where possible e.g. on shared paths. The consultation of the Future Development Strategy may also highlight safety concerns of the community for the district.

Additionally, the council's response and costs to graffiti and vandalism is spread across several departments responsible for affected asset or related service, these include:

- Transportation
- Community Development
- District Development
- Business Support
- Parks and Recreation
- Waste and Drainage
- Water Services
- Libraries
- Venues and Events
- Customer Services
- Civil Defence Emergency Management
- Contractors

4 Discussion / Whakawhiti kōrero

National and Regional Approach

The Northland Intersectoral Forum Regional Leadership Group (NIFRLG) made up of the region's central government agencies leaders, senior management and the Regional Public Service Commissioner meet quarterly and are collaborating on actions to achieve the nine targets set by central government.

The agencies on the NIFRLG include Ministry of Social Development, Oranga Tamariki, District Health Board, Health NZ, Department of Conservation, Te Kahu o Taunui Iwi Leaders, Te Pukenga, Northland Inc, Ministry of Education, Ministry of Housing and Urban Development, Kainga Ora, Mahitahi Hauora, Department of Internal Affairs, NZ Police, Corrections, Te Puni Kokiri, Te Whatu Ora, Ministry of Business Innovation and Employment, and the councils in Northland.

The work towards meeting these targets should develop over the next few years, with targets set to be achieved by 2030 and quarterly reporting starting from mid-2024.

All councils in New Zealand have ongoing issues with anti-social behaviour towards council staff and graffiti and vandalism of council assets. Many have similar safety initiatives as council relating to transport, food safety, bylaws, infrastructure, planning and CitySafe type programmes.

Council's Approach

The feedback received through the annual Residents' Survey results 2023-2024 demonstrates the top Community Outcome to be 'making Whangarei safer', so it is an opportune time for council to focus on its community safety initiatives and response costs.

Face to face anti-social behaviour is experienced in council buildings including Te Iwitahi front reception, Central and Branch Libraries, Ruakaka Service Centre, Forum North Entertainment Centre and by staff undertaking, sites visits and work in the community. Elected members also experiencing these behaviours on a regular basis.

Anti-social behaviour experienced within council buildings and on council business is not tolerated by council, and mitigations are in place and processes developed to minimise risks through the Health and Safety department working alongside staff, contractors and elected members.

Community Development funds the monitoring of anti-social behaviours around the city through the CitySafe programme and CCTV (including monitoring through the CCTV Activate Programme).

The central business district has ongoing anti-social behaviour issues, especially at night, with Infrastructure departments having to invest substantial funds into repairing damage or replacing assets impacted by graffiti and vandalism. Public toilets, playgrounds, bus shelters, Council facilities and infrastructure such as bridges and underpasses are particularly vulnerable to vandalism and graffiti as they are easy targets for destructive behaviours. Graffiti is an ongoing issue however staff attempt to remove graffiti as soon as possible once identified, to deter further graffiti being added.

Stop Tags Database

The Stop Tags database is the register which records impacts to council assets, including impacts to public toilets, bus shelters, parks, rubbish bins council facilities and bridges and underpasses. Council Parks contractors use the Stop Tags database to record their responses to graffiti removal, but not all of contractors use the system. Roading contractors do not use the Stop Tags database.

In the last 12 months recorded in Stop Tags, 2819 tags removed over 1569 jobs (average of 2 tags removed per job, but toilets are 3 tags per job).

Bylaws and Trespass Notices

The purpose of the Alcohol Control bylaw is to reduce alcohol-related harm through prohibition and control of alcohol in public places. Drinking alcohol in public places is banned on all beaches and public land within 300 metres of the coast (including Whangārei Harbour) and Whangārei's central business district, this bylaw is enforced by the police.

Trespass notices can also be issued by council staff or the police as a last resort, after staff have followed correct procedures to mitigate, reduce, address and give warnings to cease anti-social behaviour and vandalism in council buildings and on council land and property.

The police have found it challenging to enforce trespass notices when issued for public places that are not reserves, such as Malls, footpaths and roads and it is complex when sports grounds and parks are not designated as reserves (Reserves under a separate piece of legislation, the Reserves Act which gives specific offences for trespass).

The CitySafe Officer programme adds a monitoring and reporting presence to areas covered, often defusing situations where anti-social behaviours could escalate in and around the central business district and civic areas during the day and on Friday and Saturday nights. Community safety and anti-social behaviours reported by CitySafe officers are reported by the Community Safety Officer monthly to the Community Development Committee, trends of types of behaviours, issues and targeted areas are identified and information and liaison with the police is ongoing both through staff and elected members.

Specific Costs to Council

Staff have provided details and costs recorded for community safety initiatives, graffiti removal and vandalism repairs for their departments in the last 12 months, some costs are exact, and others are indicative outlined in the table below:

Department	Type	Cost
Community Development	Stop Tags database and administration.	\$12,235
	Community Property graffiti	\$1,704
	CitySafe, CCTV (opex), Summer Safe Carparks, CCTV Activate Programme	\$570,073
Infrastructure Sports Parks	Sports parks and Sports Facilities	\$14,014
	Parks and gardens	\$5,186
	Playgrounds	\$31,302
	Public toilets	\$84,739
	General vandalism	\$13,493
	Graffiti	\$69,381
Infrastructure Transport	Bridges & railings graffiti	\$202,823
	Signs	\$75,730
	Street furniture	\$1,323
	Traffic facilities	\$2,121
Infrastructure Water Services	Fencing	\$8,287
Customer Services isite	Weather boards / lattice damage	\$400
	Graffiti repair	\$300
Business Support	Graffiti	\$800
Libraries / Venues and Events Forum North	Insanitary remediation	\$400
	Smashing café doors town basin	\$200
	Smashing glass front doors at Forum North	\$250
Indicative Total		\$1,101,938

Types of Vandalism:

Transportation

- Graffiti on bridges, rail barriers, seating, bus stops and bus shelters
- Broken posts
- Damaged street signs and road signs

Parks

- Vandalism on parks and gardens, playgrounds, public toilets, general
- Graffiti on Parks assets
- Sports fields, pulling out wooden bollards with cars to access sports fields
- Rocks moved to obstruct movements of people and vehicles.
- Damage to locks and chains for security.
- Damage to turf from vehicles, fences pulled down, buildings damaged.
- Disable water and power in carpark to stop PVDs and Freedom campers accessing.
- Damaged Bollards, rock walls, vehicle barriers
- Drain lids stolen, break ins, smashed windows, dumped stolen vehicles.
- Fly tipping at various locations, Tagging / Graffiti



Wastewater treatment plant field damage



Fly Tipping Wastewater treatment plant – Jordan Valley

Forum North, Libraries, Civic Buildings

- Doors smashed, graffiti.

Waste and Drainage

- Ruakaka Wastewater treatment plant (WWTP), Irrigation building, Boundary fence

- Ruakaka irrigation fence and rails removed and driven over.
- Ruakaka WWTP bottom gate damaged, main WWTP lawn damage in vehicles



Four Wheel Vehicle Driven over track / pond at Ruakaka severing pipe

Types of Anti-social Behaviour Reported

- Youth - damage, dishonesty, drugs and fighting. Other activities relate to abandoned trolleys, bikes, scooters, skateboards and suspicious activity, truancy, and safety of other children.
- Mental Health issues, with a correlation between mental health and homelessness.
- Assaults
- Breach of liquor bans
- Disorder, drunks, fighting, gangs, drug use, public urination, discarded bottles, breach of one-way door policies
- Graffiti



Graffiti – Jordan Valley

Specific hotspot locations of anti-social behaviour:

Kensington Park	Onerahi sports fields
Old Boys Rugby Football Club grounds	Ruakaka sports fields
Kamo sports fields	Otaika Sports fields
Tikipunga sports fields	Barge Park
Otangarei sports fields	BMX Park
Cobham Oval	Okara park
William Fraser Park	Graffiti intensity – City Centre, Otangarei, Tikipunga, Raumanga, Te Kamo, William Jones Skate Park, Onerahi.
Hora Hora sports fields	Assaults – Laurie Hall carpark / back of Farmers (nighttime)
Homelessness (only a small portion of anti-social behaviour relates to homelessness) Canopy Bridge, around Forum North, in the CBD, Okara Reserve. Others living in vehicles or tents on Council owned land such as parks reserves and carparks across the district.	

Ongoing Council Initiatives to Reduce Impacts of Vandalism, Graffiti and Anti-social Behaviour.

Community Development / Community Safety

- Ongoing CCTV management and maintenance of the current network as a deterrent. There are no further CCTV projects planned at this stage due to funding constraints. The focus is on maintaining Council's existing infrastructure and supporting the operational maintenance of community CCTV (funded through the Proceeds of Crime fund) in Hikurangi and Te Kamo.

- Weekly reporting of Anti-social behaviours to Health and Bylaws, Police, Te Whatu Ora Alcohol Harm services through the Activate CCTV Programme.
- Monthly Community Safety Operational Network meetings
- Bi-monthly CitySafe governance meetings
- Renewal of the CitySafe Officer programme contract and living wage provision
- Management and monitoring of the Stop Tags Database
- Active reporting, investigation and prosecution for repetitive graffiti vandalism offending through Police.
- Monthly reporting to the Community Development Committee
- Holds relationships with external stakeholders with community safety responsibilities or interests

Parks

- Wooden bollards being replaced with concrete blocks which are more difficult to tow away from sports parks entrances.
- Recording graffiti issues in the Stop Tags database by some contractors.
- Painting over or removing graffiti as quickly as possible where possible.
- Installing CCTV on Shared Path areas where possible

Identified Gaps in Current Safety Initiatives

- Insufficient lighting in some city centre locations that experiencing issues e.g. Back of Manaia House, Laurie Hall car park (night)
- CCTV signage in areas visible at night
- CCTV black spots
- Funding and resourcing to expand safety Community Safety initiatives. This includes supporting community led safety initiatives (when appropriate), working with groups such as Neighbourhood Support and Community Patrols Whangarei, investment in community safety promotion to increase public awareness, additional funding for CCTV renewals, expansion of the network, restoring the Summer Safe Car Parks programme to cover all high risk car parks over the Summer period.

Additional funding amounts required for increasing safety initiatives would need to be calculated by staff.

4.1 Financial/budget considerations

Council has spent more than \$1 million in the 12-months July 2023 – June 2024 in response to anti-social behaviours through safety programmes and in response to graffiti, and vandalism. There are additional costs not identified here, including security guards, installation of glass barriers at service desks and other necessary mitigations.

The Community Development department requested additional funding for community safety through the 2022-2023 Annual Plan process but was not successful during the early stages of the process when elected members sought to minimise rates increases.

During the Long-Term Plan 2024-2034 process, council did allocate funding for the next three years towards enabling the living wage for CitySafe Community Officers, but the Summer Safe Car Parks programme has been significantly reduced due to insufficient funding.

Department repairs and maintenance budget allocations are impacted responding to graffiti and vandalism of council assets, capex renewal budgets may also be impacted depending on the extent of the damage incurred. Department budgets are monitored by staff to ensure the response to damaged assets can be undertaken in a timely manner and that sufficient community safety initiatives can continue.

4.2 Policy and planning implications

Consideration to the scale of council's contribution and investment in Community Safety is a discussion point after the annual residents' survey results of 92% of respondents see community safety as a top priority for community outcomes in the district.

The annual Residents Survey also demonstrated that only 10% of residents surveyed feel definitely safe, 52% mostly safe (total 62% safe), and 26% not really safe and 11% definitely not safe (total 37% unsafe). This is the individuals perception of their own safety living in the district.

Community safety is a much wider responsibility than that of council. Addressing the root causes of antisocial behaviour is one of the keys to a reduction in crime, with both central government and non-government agencies having major roles.

Addressing the social issues which exacerbate anti-social behaviour is mostly out of the sphere of control of council, so continuing to develop relationships, support stakeholders where possible and continue with safety responsibilities and inputs of council is vital to finding efficiencies and ways to support reducing incidents and responses to this issue.

5 Significance and engagement / Te Hira me te Arawhiti

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 this Agenda publication on the website.

6.5 Alcohol Control Bylaw - Statement of Proposal

Meeting:	Whangarei District Council
Date of meeting:	29 August 2024
Reporting officer:	Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To adopt a Statement of Proposal to consult on amending the Alcohol Control Bylaw and related alcohol bans.

2 Recommendations / Whakataunga

That Council:

1. Determines that the proposed amended Alcohol Control Bylaw (the Bylaw, included in Attachment 1):
 - a. is the most appropriate form of bylaw;
 - b. does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990;
2. Adopts the Statement of Proposal (Attachment 1), including the proposed amended Bylaw and the alcohol ban areas and operative times as per Option 2, for public consultation;
3. Authorises the Chief Executive to approve any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council at this meeting, prior to final printing and publication.

3 Background / Horopaki

At a Council Meeting on 23 November 2023, Council made the key determination under section 155(1) of the Local Government Act 2002 (LGA) that a bylaw about the consumption or possession of alcohol in public places was the most appropriate way to address crime or disorder in certain public places caused or made worse by alcohol consumed there.¹

This determination was informed by a findings report presented at a Council Briefing on 25 October 2023.² That report found that although alcohol consumption by volume has tended to decline over time, especially among young New Zealanders, relatively more

¹ Agenda report available at <https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=3706>

² Agenda report available at <https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=3635>

alcohol is being consumed off-licence and there is a persistent localised correlation between breaches of the city centre alcohol ban and antisocial behaviour reported by CitySafe officers.

To inform a District-wide review of the alcohol ban areas themselves, staff then gathered data from Police and invited anecdotal reports of alcohol-related disorder in public places from over 100 organisations, including hapū, residents' and ratepayers' associations, Community Safety Network members, Te Whatu Ora/Health New Zealand, sports associations, schools and environmental groups.

An online survey inviting public feedback on alcohol ban areas was published on Council's website for six weeks. Staff also sought input from the Te Huinga hapū forum, the Positive Ageing Advisory Group, the Youth Advisory Group, Northland Regional Council and the Department of Conservation.

All feedback received was presented to Elected Members at a Council Briefing on 26 March 2024.³ At that Briefing, staff also communicated that the existing blanket ban 300 metres inland from mean lower water springs was inconsistent with the empowering legislation, and that Council would better meet the intent of the law by either removing the blanket coastal ban altogether or replacing it with bans targeting the public places and times with the greatest risk of alcohol-related crime and disorder.

Elected Members provided mixed feedback on whether Council should reduce the operative times and geographical extent of alcohol bans along Whangārei District's coastline.⁴

4 Discussion / Whakawhiti kōrero

4.1 The proposed amended Bylaw is the most appropriate form of bylaw

4.1.1 The proposed amended Bylaw is consistent with the legislation.

The Bylaw is authorised and is not repugnant with respect to other statutes. Section 147 of the Local Government Act 2002 (LGA) empowers Council to make a bylaw to prohibit or otherwise regulate the consumption and possession of alcohol in broadly defined public places, where there is evidence of a high level of crime and disorder caused or exacerbated by alcohol consumed there.

The Bylaw is reasonable to the extent that the alcohol bans declared under the Bylaw are a reasonable limitation on people's rights and freedoms and proportionate to the incidence of crime and disorder caused or exacerbated by alcohol consumed in the public places where the bans apply.

4.1.2 The proposed amended Bylaw is clearly drafted and enforceable.

The drafting of the proposed amended Bylaw reflects modern best practice. The wording is unambiguous and the relevant clauses are enforceable.

Part 3 (Enforcement Powers) has been amended for clarity following a complaint made to New Zealand Police by the Independent Police Conduct Authority about Police misuse of immediate search powers when enforcing alcohol control bylaws.

Clause 10.2 now states that immediate search powers only apply inside temporary alcohol ban areas, in accordance with section 170(2) of the LGA. Within permanent alcohol ban areas, constables must first give people an opportunity to leave the area before exercising

³ Agenda report available at <https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=3886>

⁴ Briefing minutes available at <https://pub-wdc.escribemeetings.com/FileStream.ashx?DocumentId=3898>

their search powers. A related information textbox has also been inserted to aid understanding.

4.1.3 The proposed amended Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

The Bylaw restricts people's freedom to legally enjoy an alcoholic drink in the public places where it applies. Within these areas, sections 169 and 170 of the LGA give constables powers, without warrant, to search people for alcohol, arrest anyone in breach of the bylaw and seize any alcohol.

To the extent that the alcohol ban areas meet the proportionality criteria set out in section 147A of the LGA, these limitations can be reasonably justified by the benefits the Bylaw provides by helping to reduce the incidence of alcohol-induced crime and disorder in the public places where it applies.

The Bylaw does not restrict the free movement of people who are not in possession of alcohol or those drinking alcohol in private and/or licensed premises.

4.2 The proposed amended alcohol ban areas are proportionate to the alcohol-related crime and disorder they seek to address and are a reasonable limitation on people's rights and freedoms

Under the draft proposal for consultation, Council would—

4.2.1 Continue without amendment the existing alcohol bans in the city centre and suburban locations

Existing 24/7 alcohol bans would remain in force in the following areas (see maps in Attachment 1): City centre (CBD), Te Kamo, Onerahi, Otaika, Otangarei, Otuihau/Whangārei Falls, Ruakākā (Marsden) Village, Tikipunga and Waipu.

To continue the alcohol bans in these locations under section 147A(2) of the LGA, Council must be satisfied that the level of crime or disorder experienced before they were in place (being crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area concerned) is likely to return if the bans are lifted.

Council has a mix of both current and historical records of Police evidence of alcohol-related crime and disorder in all these locations to meet the 147A(2) criterion (Attachment 3).

4.2.2 Introduce new alcohol bans at Port Road/Okara Shopping and at Tarewa Park

The draft proposal includes two new alcohol bans (see maps in Attachment 1):

1. Port Road and the carparks at Okara Shopping Centre, at Cobham Oval and beneath the Te Matau a Pohe bridge. In effect, this new ban would be the extension of an enlarged city centre ban;
2. Tarewa Park.

To make each of these two new bans under section 147B of the LGA, Council must be satisfied that—

- a. there is evidence that the area has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption there;
- b. the ban is both—
 - i. appropriate and proportionate in the light of the evidence; and
 - ii. justified as a reasonable limitation on people's rights and freedoms.

Police have requested that the city centre ban be extended to include Port Road, the Okara Shopping Centre carpark and the carparks at Cobham Oval and beneath the Te Matau a Pohe bridge, respectively. Police have provided evidence from their database of alcohol-related “calls for service” in the area, presented to Council at the Briefing on 26 March 2024.

The Northland Events Centre Trust accepts the status quo of no alcohol ban directly outside the Semenoff Stadium based on a lack of alcohol-related problems there in recent years.

At Tarewa Park, meanwhile, Council’s iSite staff have submitted incident reports detailing repeat drunken, aggressive and intimidating behaviour at the Tarewa Park carpark. This carpark is used by domestic and international tourists, but also by parents who drop off and pick up their primary school-aged children who attend the nearby Hora Hora School.

4.2.3 Better align the coastal alcohol bans with the proportionality criteria set out in the empowering legislation

The existing alcohol ban 300 metres landwards from mean low water springs is inconsistent with both current legislation and over 100 years of common law. The courts have previously found such indiscriminate provisions to be—

- **Unreasonable.** There is insufficient evidence of alcohol-induced crime and disorder the length of Whangārei District’s coastline for a perennial blanket coastal ban to be deemed proportionate to the problem. New Zealand Police did not feel the need for it in 2018, explaining that “the majority of problem areas are covered by the specific coastal liquor bans” at Oakura, Moureeses Bay, Whananaki, Matapouri and Whale Bay, and Pataua North and South. The exceptions at the time were at Ruakākā Reserve, Waipu Cove, Langs Beach and Uretiti Beach;
- **Uncertain.** Defining the alcohol ban area by reference to a shifting line at an unknowable distance makes the Bylaw’s area of application vague, providing further reason for it to be held invalid and casting further doubt over its lawful enforceability.

The 300-metre coastal ban is also inconsistent with the Bylaw itself. Clause 6.2(a) states that all bans must be mapped, yet there is no reliable data source for mean low water springs to be reliably mapped.

These views are supported by Council’s inhouse legal team.

This decision report presents three options with varying approaches designed to meet the intent of the empowering legislation. The options are informed by:

- The Findings Report presented to Council in October 2023 (Attachment 4)
- Police data and feedback from other stakeholders during early engagement;
- Historical anecdotal evidence provided by Police in 2018;
- The mixed feedback provided by Elected Members at the Briefing on 26 March 2024;
- The stringent legislative criteria under sections 147A and B of the LGA;
- The purpose of the Bylaw to assist in reducing alcohol-related crime and disorder in public places.

Option 1

A first option retains the status quo, minus the ill-defined blanket 300-metre ban landwards from mean low water springs for the proportionality criteria reasons highlighted above.

Option 2

A second option adds an expanded city centre and Tarewa Park. It also adds new location-specific coastal alcohol bans in Bream Bay, from Marsden Point southwards to Waipu Cove and at Langs Beach, as requested by Police in 2018. To achieve greater proportionality to the problem, the year-round operative times of the coastal bans are reduced from 24/7 to 7pm-7am.

Option 3

Option 3 builds on option 2 by adding all popular beach and foreshore locations in the Whangārei District, but further reduces the operative times of the coastal alcohol bans to 7pm-7am during daylight saving only.

4.3 Recommendation

All three options achieve a greater degree of proportionality than exists at present.

Options 2 and 3 are largely supported by the weight of feedback from Elected Members at the Briefing on 26 March 2024 and by the public health literature and empirical evidence on alcohol-related harm, a consistent finding of which is that hazardous drinking behaviours occur predominantly at night.⁵

The night-time coastal bans under options 2 and 3 are also consistent with the bylaws of neighbouring territorial authorities. In Kaipara District, for example, alcohol bans at both Baylys Beach and Mangawhai apply during night-time hours. Far North District Council also has time-bound bans in certain coastal locations. In Auckland, the practice of banning alcohol during night-time hours only is widespread across the city's parks and beaches.

Given the available evidence, staff recommend option 2.

⁵ See for example Connor, J., Maclennan, B., Huckle, T., Romeo, J., Davie, G., and Kypri, K. (2021) Changes in the incidence of assault after restrictions on late-night alcohol sales in New Zealand: evaluation of a natural experiment using hospitalization and police data. *Addiction*, 116: 788–798. <https://doi.org/10.1111/add.15206>.

Table 1: Summary of options to meet legislative criteria (peach shading = departure from 1)

Option 1: Status quo minus 300m coastal ban		Option 2: Expanded city centre, Tarewa Park and Bream Bay, but night-time coastal hours (staff-recommended option)		Option 3: Expanded city centre, Tarewa Park and Bream Bay plus more coastal locations, but night-time coastal hours during daylight saving only	
Alcohol ban	Times	Alcohol ban	Times	Alcohol ban	Times
Onerahi 24/7					
Otaika 24/7					
Otangarei 24/7					
Otuihau/Whangārei Falls 24/7					
Ruakākā (Marsden) Village 24/7					
Te Kamo 24/7					
Tikipunga 24/7					
Waipu 24/7					
City centre (CBD only)	24/7	City centre (expanded)	24/7	City centre (expanded)	24/7
Oakura	24/7	Tarewa Park	24/7	Tarewa Park	24/7
Whananaki	24/7	Oakura	7pm-7am	Whangaruru North	7pm-7am during daylight saving
Whananaki (Moureeses Bay)	24/7	Whananaki		Oakura	
Matapouri – Whale Bay	24/7	Whananaki (Moureeses Bay)		Whananaki	
Pataua North and South	24/7	Matapouri – Whale Bay		Whananaki (Moureeses Bay)	
		Pataua North and South		Sandy Bay – Woolleys Bay	
		Bream Bay (from Marsden Point to Waipu Cove)		Matapouri – Whale Bay	
		Langs Beach		Tutukaka marina	
				Church Bay, Kowharewa Bay and Pacific Bay	
				Whangaumu Bay	
				Ngunguru	
			Taiharuru Bay		
			Ocean beach		
			Beach Road Reserve		
			Marsden Bay		
			Bream Bay (from Marsden Point to Waipu Cove)		
			Langs Beach		

4.4 Financial/budget considerations

The consultation proposed in this report and new signage to indicate alcohol ban areas when amendments come into force are covered by existing departmental budgets.

Consultation will entail advertising costs to the tune of a few hundred dollars.

Signage costs will vary depending on the extent of the alcohol ban areas. Option 1, for instance, would entail the smallest cost, estimated to be in the vicinity of \$4,000-\$6,000. Option 3, meanwhile, would cost up to \$15,000-\$25,000. For an alcohol ban to be enforceable, anyone entering the area needs to be given a reasonable opportunity to know they are entering it. Signage costs will be borne by the Health and Bylaws department. While a full signage audit has not been undertaken in recent years, staff understand that much of the existing stock is outdated and/or in need of replacement.

4.5 Policy and planning implications

The draft proposed Bylaw and alcohol ban areas broadly align with the Weekend and Night Time Economy Strategy 2014 and with the “feeling safe” Community Outcome identified in the 2024-34 Long term Plan. They also align with the purpose of the Provisional Local Alcohol Policy to “foster positive, responsible drinking behaviour and minimise alcohol-related harm.”

4.6 Options

Council may either adopt the Statement of Proposal, including one of the three options outlined in section 4.2.3 of this report, or decline the recommendations and request that staff prepare an options report for further discussion.

4.7 Risks

If Council does not approve one of the three options outlined in section 4.2.3 of this report, staff will prepare further material to aid discussion at a future Council Briefing with a view to adopting a Statement of Proposal in late 2024. This would delay other work in an already-congested bylaws and statutory policy work programme.

As the alcohol bans can be made or amended without amending the Bylaw itself, if Council does approve one of the three options but finds new evidence in the future to justify amending or adding to the register of alcohol bans, it could do this following targeted consultation under section 82 of the LGA without the need to consult District-wide for a full month.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this agenda report do not trigger the significance criteria outlined in Council’s Significance and Engagement Policy. Nonetheless, as outlined in section 3, targeted engagement on this matter was undertaken followed by a public survey. Furthermore, the Council will consult on the proposal to amend the Bylaw and alcohol ban areas following the special consultative procedure under section 83 of the LGA.

6 Attachments / Ngā Tāpiritanga

Attachment 1 - Draft Statement of Proposal

Attachment 2 - Alcohol Control Bylaw showing track changes vs 2018

Attachment 3 - Historical Police evidence from 2018

Attachment 4 - Findings Report October 2023

Draft Statement of Proposal to amend the Alcohol Control Bylaw and Alcohol Ban Areas

August 2024



What is the Alcohol Control Bylaw?

The Alcohol Control Bylaw (the Bylaw) is a tool that Council can use to ban alcohol in public places where drinking has led to a high level of criminal or disorderly behaviour.

Under the law, any alcohol ban in a public place must be proportionate to alcohol-related crime and disorder experienced in that place and be a reasonable limit on people's rights and freedoms.

We are proposing a few amendments to the Bylaw and we want to hear whether you think we have struck the right balance.

Why is Council proposing to amend the Bylaw and related alcohol bans?

Council is required to review the Bylaw and consult with the community on any proposed amendments to it.

Council has reviewed the Bylaw and found that:

1. *An alcohol control bylaw is still needed to address problems of alcohol-related crime and disorder in certain public places.*

There is evidence linking antisocial behaviour with alcohol consumption in public places in the city centre. The Bylaw is an enforceable document that allows New Zealand Police Officers to intervene pre-emptively to reduce alcohol-related crime and disorder in the public places where it applies.

2. *The draft Alcohol Control Bylaw is fit for purpose.*

The draft Bylaw is consistent with the Local Government Act 2002 (LGA). While some wording has been amended for clarity and consistency and to simplify terminology, the Bylaw's structure and drafting reflects modern best practice.

3. *The draft Alcohol Control Bylaw can be justified as a reasonable limitation on people's rights and freedoms and is consistent with the New Zealand Bill of Rights Act 1990.*

The draft Bylaw restricts people's freedom to legally enjoy an alcoholic drink in the public places where an alcohol ban applies. It also gives constables certain search and arrest powers in those places that they would not have without the Bylaw. These limitations are reasonably justified by the benefits the Bylaw provides by helping to reduce the incidence of alcohol-induced crime and disorder in identified public places. The Bylaw does not restrict the free movement of people who are not in possession of alcohol or those drinking alcohol in private and/or licensed premises.

What changes is Council proposing?

We have also reviewed the alcohol bans made under the Bylaw. This review was informed by Police data of alcohol-related offending over the past three years, historical Police evidence from before the Bylaw was last reviewed in 2018, conversations with key stakeholders and a survey sent out to over 100 local organisations.

Following this review, we found that some changes could be made to better meet the Bylaw's purpose and the empowering provisions of the LGA.

We are proposing the following changes:

- Expanding the city centre alcohol ban to include the carparks at Okara Shopping Centre, Cobham Oval and beneath the Te Matau a Pohe bridge
- Introducing a new alcohol ban at Tarewa Park
- Changing the operative times of the existing alcohol bans in the following coastal locations from 24 hours per day to 7pm-7am:
 - o Oakura
 - o Whananaki North
 - o Whananaki South
 - o Matapouri/Whale Bay
 - o Pataua North and South
- Introducing new beach and foreshore bans in Bream Bay, from Marsden Point to Waipu Cove and at Langs Beach. These bans would also apply daily from 7pm to 7am.
- Lifting the blanket coastal ban that applies from mean low water springs 300 metres landwards, which now largely duplicates the other coastal bans in place.

We are not proposing any changes to existing alcohol bans in Te Kamo, Onerahi, Otaika, Otangarei, Otuihau/Whangārei Falls, Ruakākā Village, Tikipunga and Waipu.

See a complete set of maps of the proposed alcohol ban areas at the end of the attached proposed Bylaw.

We want to know what you think

Between 6 September and 7 October 2024, we want you to tell us what you think about Council's proposal to amend the Alcohol Control Bylaw and related alcohol ban areas.

This Statement of Proposal includes a copy of the proposed Bylaw and alcohol ban areas. Call us on 09 430 4200 or 0800 932 463 if you would like to be sent a hard copy.

How to give us your feedback

There are a few ways you can tell us what you think. You can send us your feedback in writing and/or register before **XX** October 2024 to speak in person at a Council hearing. Please let us know in advance if you require the services of a sign language interpreter.

- Online: www.wdc.govt.nz/HaveYourSay
- Email us: BylawsConsult@wdc.govt.nz
- Write to us: Private Bag 9023, Te Mai, Whangārei 0143
- Deliver your written feedback to one of our customer service centres at:
 - Te Iwitahi, 9 Rust Avenue, Whangārei
 - 9 Takutai Place, Ruakākā.

Please visit www.wdc.govt.nz/HaveYourSay to find out more information on how to give us your feedback.

You can also find links to all the relevant Briefing and Meeting minutes and agendas on this webpage.

Key dates

Feedback period: 9:00am 6 September 2024 – 5:00pm 7 October 2024

Hearing: **tbd**

Deliberations: **tbd**

Decision of Council: **tbd**

What will happen with your feedback?

All feedback received will be provided to Council. Staff will also review and analyse the feedback received and provide this analysis to Council. Council will then deliberate on all the information provided and make a decision on the proposal.

Please note that all submissions are considered public under the Local Government Official Information and Meetings Act. Your name and feedback may be publicly available via our reports and website. All other personal details you provide will remain private.

What type of feedback do we need from you?

If you want to support an existing alcohol ban or would like to see a new one, you can help by:

- Naming the public place where you want to see a ban continued or introduced
- Describing the type(s) of crime or disorder you have witnessed that you believe has resulted from drinking in that place
- Stating when this crime or disorder has happened (time of day, week, season, etc.)

We also want to hear from you if you don't think there is a need to ban alcohol consumption in a given public place.

FAQ**What is the Alcohol Control Bylaw for?**

Council can use the Bylaw to ban alcohol in public places where drinking has led to a high level of criminal or disorderly behaviour.

What is meant by public places?

Section 147(1) of the Local Government Act 2002 defines a public place as any area that is accessible to the public, like a beach, school grounds or a supermarket carpark. The definition does not include licensed premises like bars and restaurants.

What is this Bylaw not about?

The Bylaw is not about the location or number of licensed premises or the hours that alcohol is for sale. These things are regulated outside the Bylaw.

Who enforces the Bylaw?

Only Police Officers can enforce the Bylaw.

What powers does the Bylaw give Police?

Police can also search people's belongings and vehicles for alcohol in an alcohol ban area. Police can also arrest people who are found to be in breach of the Bylaw.

When can Council ban alcohol in public places?

Under the law, any alcohol ban needs evidence that drinking in that place has led to a high level of crime or disorder.

Alcohol Control Bylaw 2018

(as at 29 August 2024)

Pursuant to the Local Government Act 2002, Whangarei District Council makes the following bylaw about alcohol control in public places

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1 Title

This Bylaw is the Alcohol Control Bylaw 2018.

2 Commencement

2.1 This Bylaw comes into force on 19 December 2018.

2.2 Amendments to this Bylaw come into force on **XX December 2024**.

3 Application

This Bylaw applies to the Whangārei District.

Part 1: Preliminary Provisions

4 Purpose

The purpose of this Bylaw is to reduce crime and disorder in public places that is caused or made worse by alcohol consumed in those places.

Related information:

The Act provides explicit details about what this type of bylaw can control. Generally, any transporting of alcohol in unopened containers within an alcohol ban area is permitted, subject to certain conditions. See [section 147](#) of the Act for further details.

Alcohol bans do not apply to licensed premises, which can include situations where a special licence has been issued for a specific event. Licensed premises can include areas of public places such as footpaths.

Under the Act, only constables (New Zealand Police Officers) can take enforcement action under this Bylaw. Constables have powers of arrest, search and seizure under the Act and can also issue infringement notices.

5 Interpretation

5.1 Any word used in this Bylaw that is defined in sections 5, 147, 169, 169A or 243 of the Act, or section 5 of the Sale and Supply of Alcohol Act 2012, has, for the purposes of this Bylaw, the same meaning as in those sections, unless otherwise provided for in this clause.

5.2 In this Bylaw, unless the context otherwise requires—

Act means the Local Government Act 2002;

Council means the Whangārei District Council;

Whangārei District means the area within the boundaries of the Whangārei District and includes all coastal areas to the line of mean low water springs.

5.3 Any related information, attachments and links are for information purposes only and do not form part of this Bylaw.

5.4 The Interpretation Act 1999 applies to this Bylaw.

Part 2: Control of Alcohol

6 Alcohol bans

- 6.1 Council may, by resolution, declare an area to be an alcohol ban area where the consumption, bringing in and possession of alcohol in public places is prohibited or controlled.
- 6.2 Any resolution made under clause 6.1 must also—
- (a) include a map of the alcohol ban area;
 - (b) specify the time(s) that any prohibition or control applies, and whether the alcohol ban is permanent or temporary;
 - (c) if consumption, bringing in and possession of alcohol is controlled rather than prohibited, specify the nature of the control.
- 6.3. No person may consume, bring into or possess alcohol in any public place (including inside a vehicle) in an alcohol ban area in breach of a resolution made under clauses 6.1 and 6.2.
- 6.4. Clause 6.3 does not apply to a person who is acting pursuant to, and in accordance with any conditions of, a consent granted under clause 12.1.

Related information: As at 29 August 2024, the Act defines a public place for the purposes of alcohol control as—

“a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but does not include licensed premises.”

7 Permanent alcohol bans

- 7.1 Council may under clause 6.1 declare an area to be a permanent alcohol ban area at all times, or for specified, recurring periods of time.
- 7.2 Council will consult in accordance with Part 6 of the Act on any proposal to declare, amend or revoke a permanent alcohol ban.

Related information: All resolutions of Council declaring alcohol ban areas are included in the Register of Resolutions as additional information to this Bylaw.

8 Temporary alcohol bans

- 8.1 Council may under clause 6.1 declare an area to be a temporary alcohol ban area for a specified period not exceeding seven consecutive days.
- 8.2 Council will give public notice of a temporary alcohol ban at least 14 days before the temporary alcohol ban comes into force.

9 Matters to be considered before declaring alcohol bans

- 9.1 Before declaring a permanent alcohol ban, Council—
- a. must consider views presented to Council through consultation on the proposal to declare a permanent alcohol ban:
 - b. must consider the relevant criteria in sections 147A and 147B of the Act, as applicable:
 - c. may consider any other matter it considers relevant.
- 9.2 Before declaring a temporary alcohol ban, Council—
- a. must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
 - b. where the temporary alcohol ban applies to an event, may consider—
 - i. the nature and type of the event:
 - ii. the history (if any) of the event:
 - iii. the number of people expected to attend the event:
 - iv. the area in which the event is to be held:
 - v. whether the Police support the proposed temporary alcohol ban:
 - vi. whether the Police will be present at the event to enforce it; and
 - c. may consider any other information it considers relevant.

Related information: Records of resolutions made for temporary alcohol bans will not be included in the Register of Resolutions, but are permanently recorded through appropriate Council records of meetings, minutes and resolutions.

Part 3: Enforcement Powers

10 Enforcement

- 10.1 A constable may use their powers under the Act to enforce this Bylaw.

Related information: Section 169 of the Act provides constables with powers of arrest, search and seizure to enforce alcohol bans. Constables must first give people the opportunity to remove any alcohol from the permanent alcohol ban area before carrying out a search.

- 10.2 In the case of a temporary alcohol ban declared under clauses 6 and 8 of this Bylaw, a constable may exercise the power of immediate search under section 170(2) of the Act.

Related information: Section 170(2) of the Act provides constables with additional powers of search in relation to temporary alcohol bans that have been notified and indicated by signage in accordance with section 170(3) of the Act.

Part 4: Offences and Penalties

11 Bylaw breaches

- 11.1 Every person who breaches this Bylaw commits an offence.
- 11.2 Every person who commits an offence under this Bylaw is liable to a penalty under the Act.

Related information: As at 29 August 2024, the penalty for breaching an alcohol control bylaw is an infringement fee of \$250 under the Local Government (Alcohol Control Breaches) Regulations 2013.

Part 5: Exceptions

12 Exceptions

- 12.1 Council may issue a consent to any person, or class of persons, to allow the consumption, bringing in and possession of alcohol in a public place (including inside a vehicle) within an alcohol ban area.
- 12.2 In considering an application for a consent under clause 12.1, Council will consider the following matters:
- The purpose of the exception:
 - The proposed duration of the exception:
 - The area of the proposed exception:
 - Whether the area is under the control of, or managed by, Council:
 - Whether any other permits are required from Council for the event:
 - Any other matter Council considers relevant.
- 12.3 Council may prescribe conditions for any such consent, including, but not limited to—
- the duration of the consent:
 - the exact location to which the consent applies:
 - the maximum number of people the consent applies to.
- 12.4 Council may by resolution made after consultation that gives effect to the requirements of section 82 of the Act—
- prescribe a fee for receiving and processing an application and issuing a consent:
 - determine situations when consent fees may be remitted, refunded or waived.
- 12.5 Council may cancel a consent at any time.

Related information: Exceptions for events with special licences do not require consent under clause 12.1, as they are excluded from the definition of public place that applies to this Bylaw.

Part 6: Savings

13 Existing consents

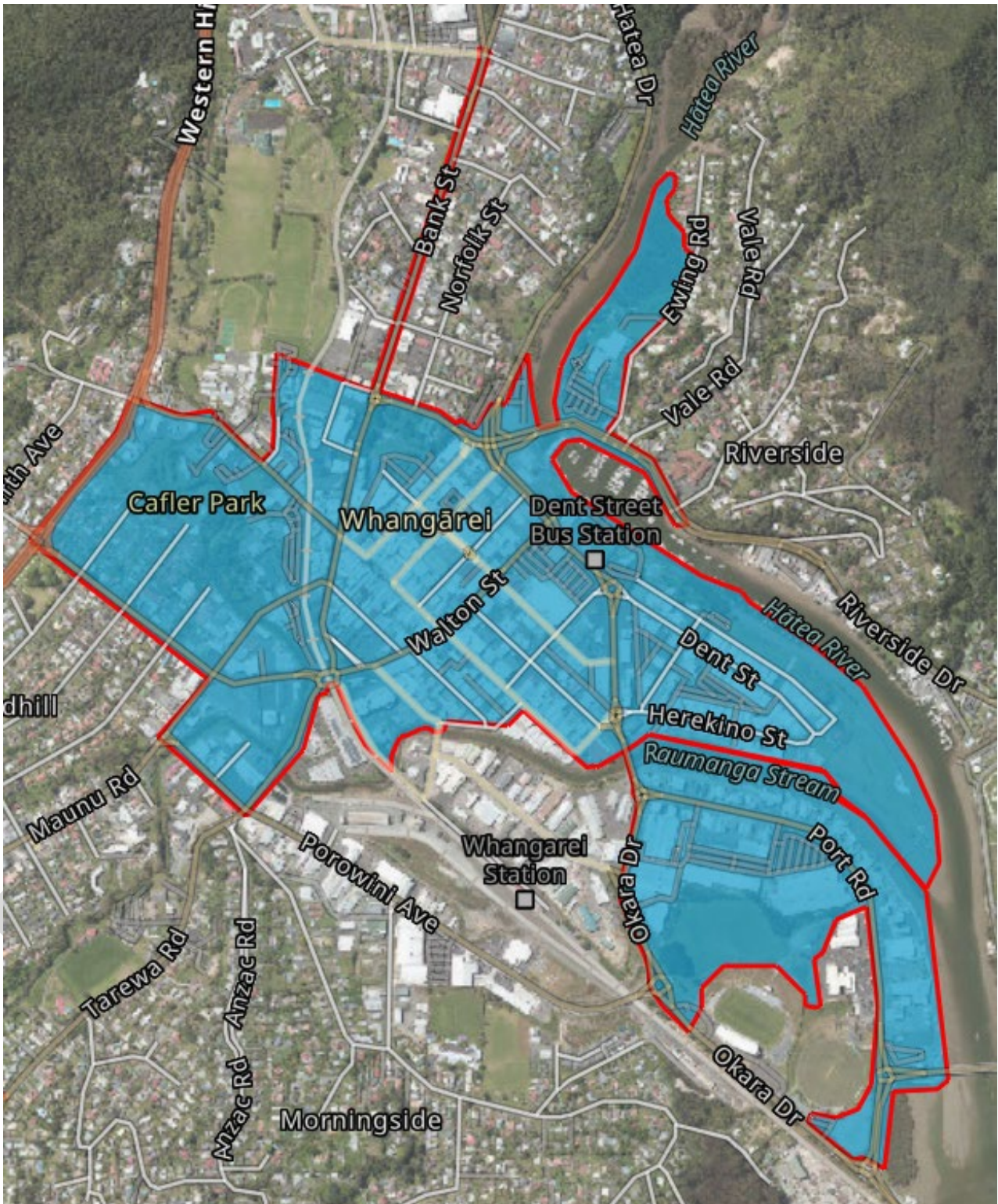
- 13.1 Consents issued under clause 12.1 prior to amendments in clause 2.2 coming into force remain valid subject to clause 12.5.

Draft

**Additional information: Proposed register of alcohol ban areas
[as per Option 2]**

Map #	Alcohol ban area	Operative times
1	City centre	24 hours daily
2	Onerahi	24 hours daily
3	Otaika	24 hours daily
4	Otangarei	24 hours daily
5	Otuhau/Whangārei Falls	24 hours daily
6	Ruakākā (Marsden) Village	24 hours daily
7	Tarewa Park	24 hours daily
8	Te Kamo	24 hours daily
9	Tikipunga	24 hours daily
10	Waipu	24 hours daily
11	Oakura	7pm-7am daily
12	Whananaki (Moureeses Bay)	7pm-7am daily
13	Whananaki	7pm-7am daily
14	Matapouri – Whale Bay	7pm-7am daily
15	Pataua North & South	7pm-7am daily
16	Bream Bay (Marsden Point to east end of Waipu Cove)	7pm-7am daily
17	Langs Beach	7pm-7am daily

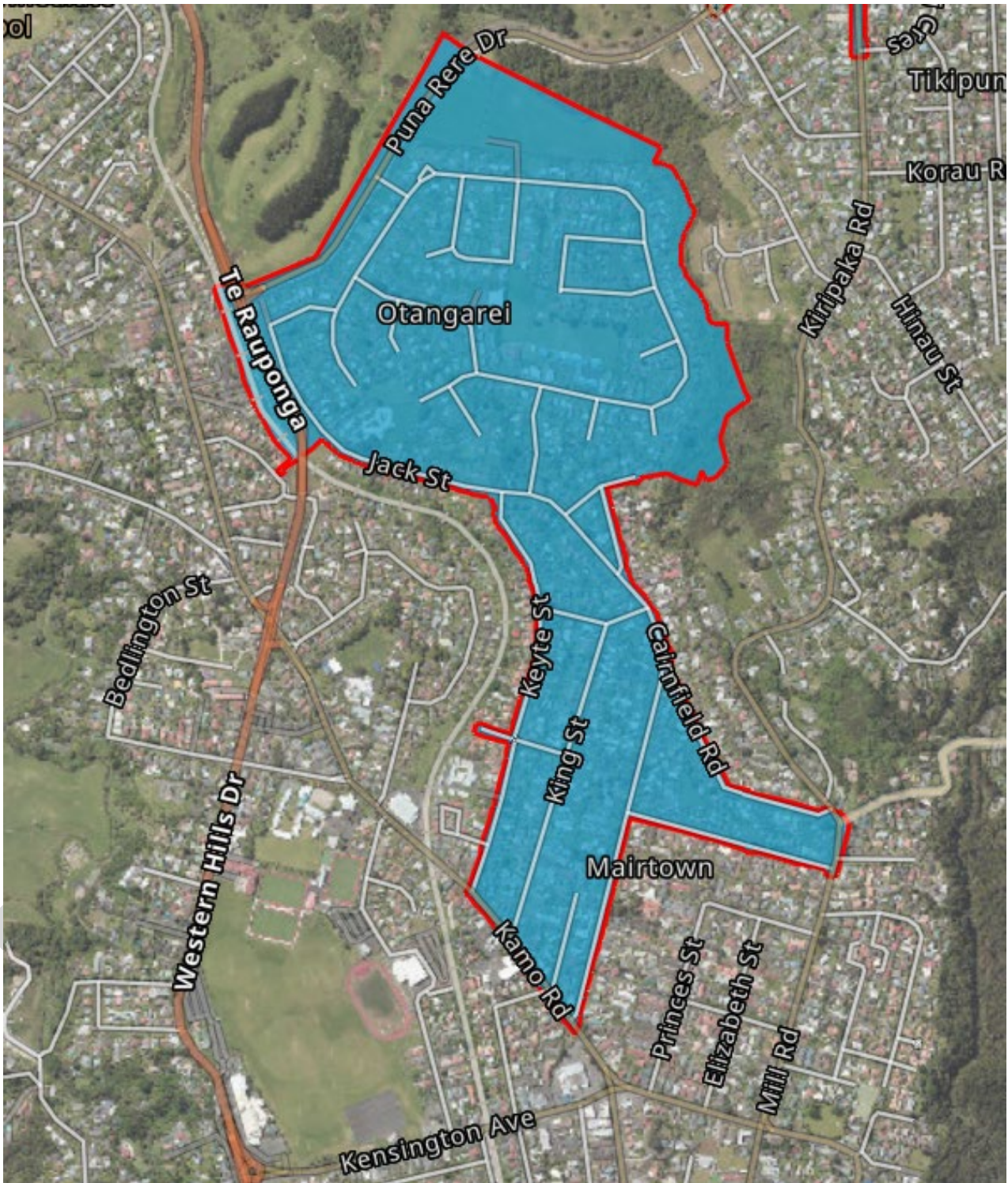
1. City centre (expanded) (applies 24 hours daily)



2. Onerahi (applies 24 hours daily)



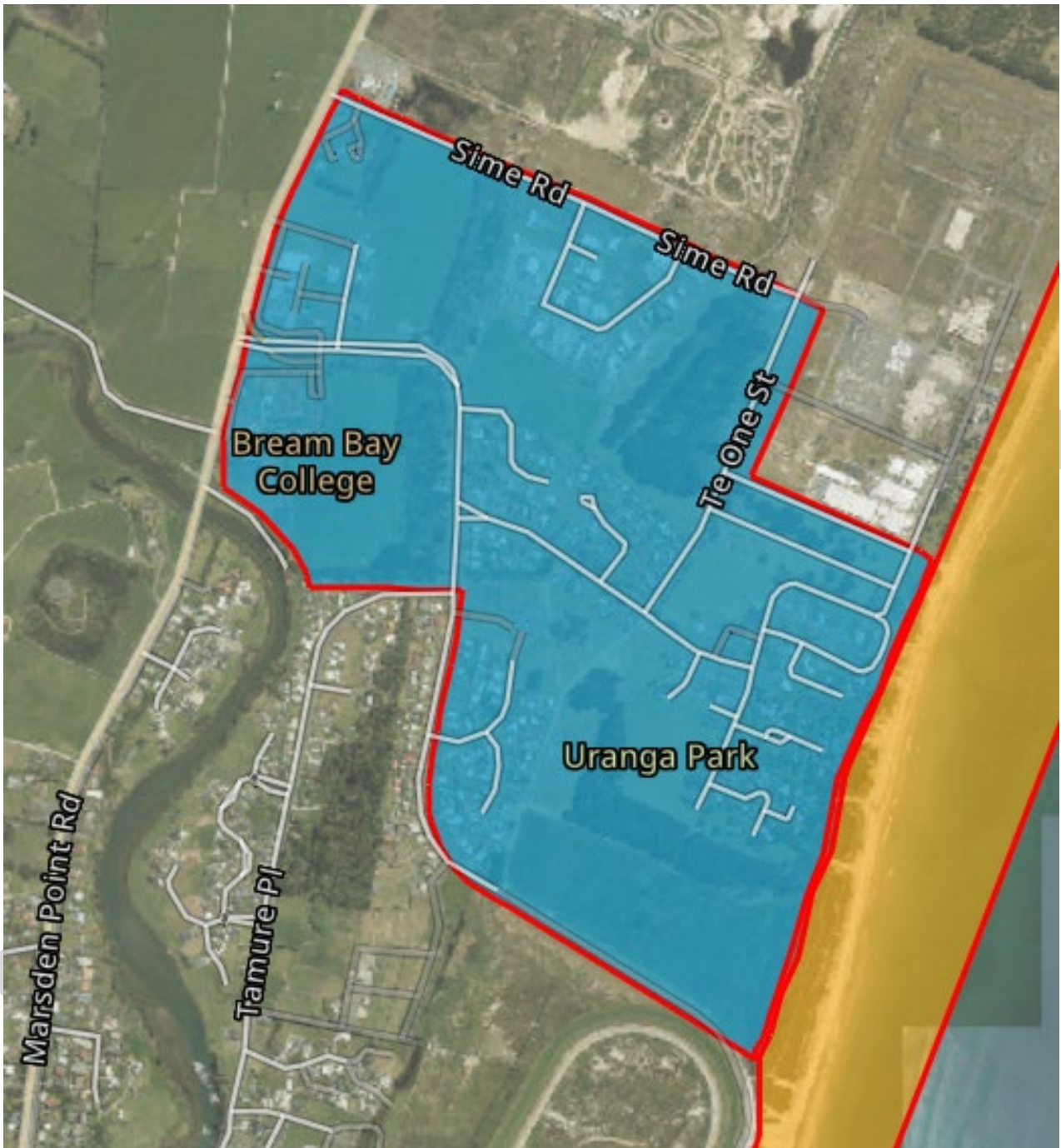
4. Otangarei (applies 24 hours daily)



5. Otuihau/Whangārei Falls (applies 24 hours daily)



6. Ruakākā (Marsden) Village (applies 24 hours daily)



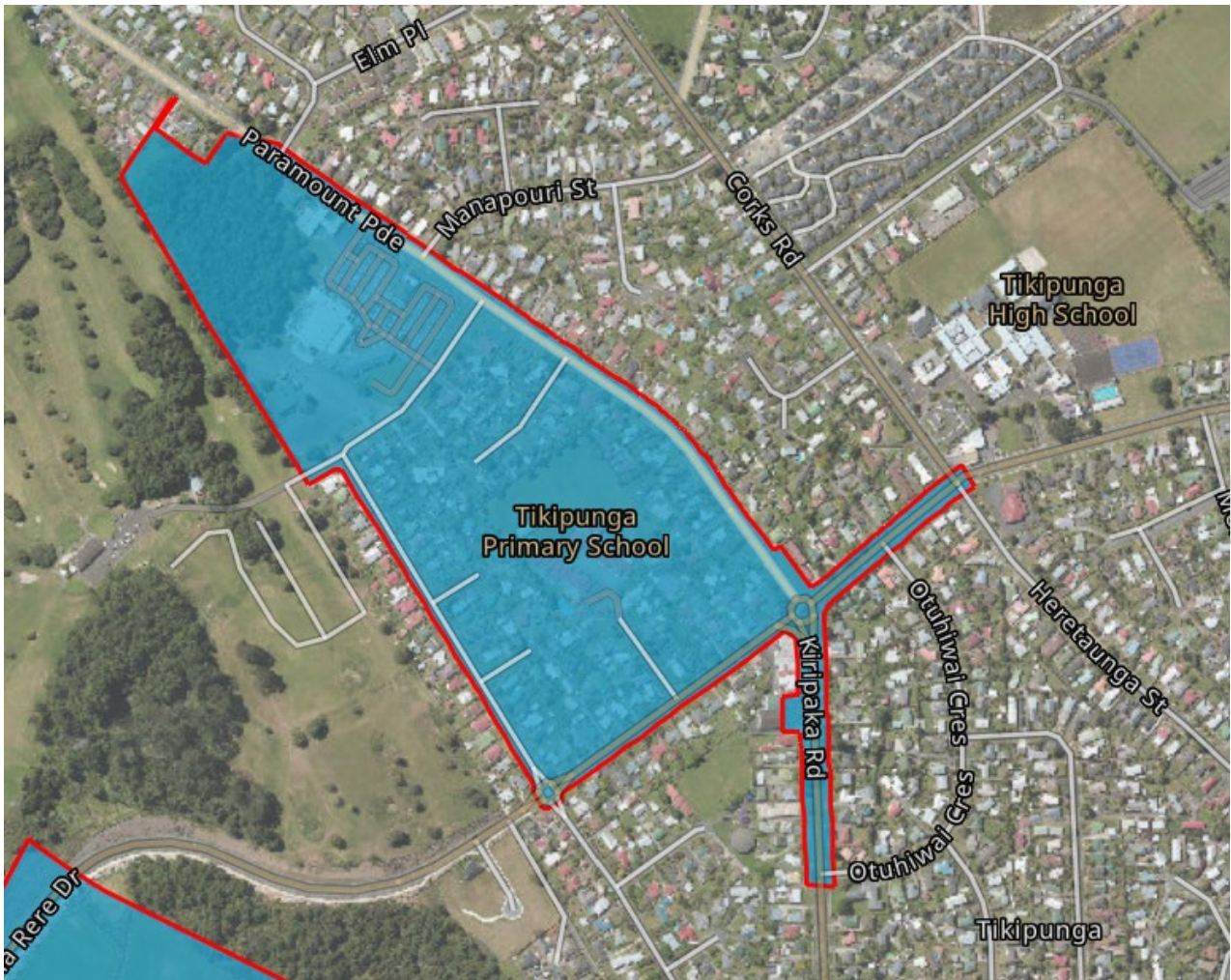
7. Tarewa Park (applies 24 hours daily)



8. Te Kamo (applies 24 hours daily)



9. Tikipunga (applies 24 hours daily)



10. Waipu (applies 24 hours daily)



DRAFT

11. Oakura (applies 7pm-7am daily)



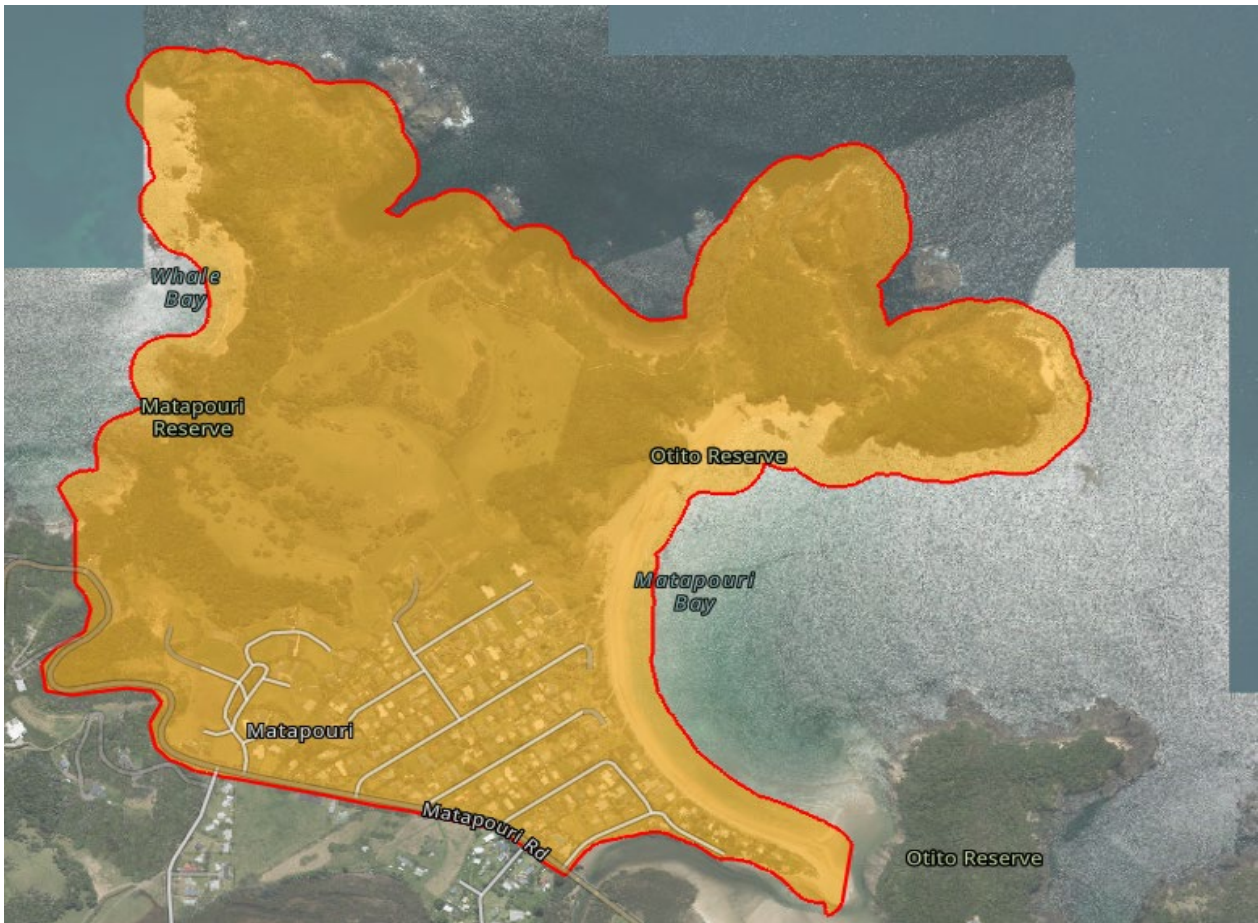
12. Whananaki (Moureeses Bay) (applies 7pm-7am daily)



13. Whananaki (applies 7pm-7am daily)



14. Matapouri/Whale Bay (applies 7pm-7am daily)



15. Pataua North and South (applies 7pm-7am daily)



16a. Bream Bay (Marsden Point) (applies 7pm-7am daily)



16b. Bream Bay (North Ruakākā) (applies 7pm-7am daily)



16c. Bream Bay (Ruakākā South) (applies 7pm-7am daily)



16d. Bream Bay (Uretiti) (applies 7pm-7am daily)



16e. Bream Bay (Waipu Cove) (applies 7pm-7am daily)



17. Langs Beach (applies 7pm-7am daily)



Alcohol Control Bylaw 2018

(as at 29 August 2024)

Pursuant to the Local Government Act 2002, Whangarei District Council makes the following bylaw about alcohol control in public places

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1 Title

This Bylaw is the Alcohol Control Bylaw 2018.

2 Commencement

2.1 This Bylaw comes into force on 19 December 2018.

2.12.2

mendments to this Bylaw come into force on XX December 2024.

A

3 Application

This Bylaw applies to the Whangārei Whangarei District.

Part 1—: Preliminary Provisions

4 Purpose

~~The purpose of this bylaw is to provide for prohibition and control of the consumption or possession of alcohol in public places (including vehicles in public places) to reduce alcohol related harm.~~ The purpose of this Bylaw is to reduce crime and disorder in public places that is caused or made worse by alcohol consumed therein those places.

Explanatory notesRelated information:

~~The provisions of the Act provides~~ explicit details about what this type of bylaw can control. Generally, any transporting of alcohol in unopened containers within an alcohol control area/alcohol ban area is permitted, subject to certain conditions.- See section 147 of the Act for further details.

~~Alcohol control area~~Alcohol bans do not apply to licensed premises, which can include situations where a special license licence has been issued for a specific event. Licensed premises can include areas of public places such as footpaths.

~~Under the Act,~~ only constables (New Zealand Police Officers) can take enforcement action under this Bylaw.- Constables have powers of arrest, search and seizure under the Act and they can also issue infringement notices.

5 Interpretation

5.1 Any word used in this Bylaw that is defined in sections 5, 147, 169, 169A ~~and or~~ 243 of the Act, or section 5 of the Sale and Supply of Alcohol Act 2012, has, for the purposes of this Bylaw, the same meaning as in those sections, unless otherwise provided for in this clause.

5.2 In this Bylaw, unless the context otherwise requires—

Act means the Local Government Act 2002;

Council means the Whangarei District Council;

Whangārei Whangarei District means the area within the boundaries of the Whangārei Whangarei District and includes all coastal areas to the line of mean low water springs.

- 5.3 Any ~~explanatory notes related information and~~, attachments ~~and links~~ are for information purposes only and do not form part of this Bylaw.
- 5.4 The Interpretation Act 1999 applies to this Bylaw.

Part 2—: Control of ~~alcohol~~Alcohol

6 Alcohol control areaAlcohol bans

- 6.1 Council may, by resolution, declare ~~an area to be an alcohol control area~~alcohol ban areas ~~area wherein which~~ the consumption, bringing in, and possession of alcohol in public places is prohibited or controlled.
- 6.2 Any resolution made under clause 6.1 must also: ~~—~~
- (a) include a map of the ~~alcohol control area~~alcohol ban area;
 - (b) specify the time(s) that any prohibition or control applies, and whether the ~~alcohol control area~~alcohol ban is permanent or temporary;
 - (c) if consumption, bringing in, and possession of alcohol is controlled rather than prohibited, specify the nature of the control.
- 6.3. No person ~~shall~~may consume, bring into, or possess alcohol in any public place (including inside a vehicle) in an ~~alcohol control area~~alcohol ban area in ~~contravention~~breach of a resolution made under clauses 6.1 and 6.2.
- 6.4. Clause 6.3 does not apply to a person who is acting pursuant to, and in accordance with any conditions of, a consent granted under clause 12.1.

~~Explanatory note~~Related information: As at ~~01 April 2014~~29 August 2024, ~~The the~~ Act defines a public place for the purposes of alcohol control as: ~~—~~

"a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but does not include licensed premises."

7 Permanent alcohol control areaalcohol bans

- 7.1 Council may under clause 6.1 declare an area to be a permanent ~~alcohol control area~~alcohol ban area at all times, or for specified, ~~repeated~~recurring periods of time.
- 7.2 Council will consult in accordance with ~~section 82~~Part 6 of the Act on any proposal to declare, amend or revoke a permanent ~~alcohol control area~~alcohol ban.

~~Explanatory note~~Related information: All resolutions of Council declaring ~~alcohol control area~~alcohol ban areas are ~~contained~~included within in the Register of Resolutions in the ~~as~~ additional information to ~~this Bylaw~~Alcohol Control Bylaw 2018 ~~—~~ Register of Resolutions, attached to this Bylaw.

8 Temporary ~~alcohol control area~~ alcohol bans

- 8.1 Council may under clause 6.1 declare an area to be a temporary ~~alcohol control area~~ alcohol ban area for a ~~specific-specified~~ period not exceeding seven consecutive days.
- 8.2 Council will give public notice of a temporary ~~alcohol control area~~ alcohol ban at least 14 days before the temporary ~~alcohol control area~~ alcohol ban comes into force.

9 Matters to be considered before declaring ~~alcohol control area~~ alcohol bans

- 9.1 Before declaring a permanent ~~alcohol control area~~ alcohol ban, Council: —
- must consider views presented to ~~the~~ Council through consultation on the proposal to declare a permanent ~~alcohol control area~~ alcohol ban;
 - must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
 - may consider any other matter it considers relevant.
- 9.2 Before declaring a temporary ~~alcohol control area~~ alcohol ban, Council: —
- must consider the relevant criteria in sections 147A and 147B of the Act, as applicable;
 - where the temporary ~~alcohol control area~~ alcohol ban applies to an event, may consider: —
 - the nature and type of the event;
 - the history (if any) of the event;
 - the number of people expected to attend the event;
 - the area in which the event is to be held;
 - whether the Police support the proposed temporary ~~alcohol control area~~ alcohol ban area; ~~and~~
 - ~~v.~~ — whether the Police will be present at the event to enforce it; and
 - may consider any other information it considers relevant.

Explanatory note Related information: Records of resolutions made for temporary alcohol controls ~~bans~~ will not be included in the ~~'register of resolutions'~~ Register of Resolutions, but are permanently recorded through ~~the~~ appropriate Council records of meetings, minutes and resolutions.

Part 43: Enforcement Powers

10 Enforcement

- 10.1 A constable may use their powers under the Act to enforce this Bylaw.

Related information: Section 169 of the Act provides constables with powers of arrest, search and seizure to enforce alcohol bans-. Constables must first provide give

[individuals/people the opportunity to remove any alcohol from opportunity to leave the permanent alcohol ban area before carrying out any search under section 169.](#)

- 10.2 [In the case of a temporary alcohol ban declared under clauses 6 and 8, of this Bylaw, a constable may exercise the power of immediate search under section 170\(2\) of the Act. This Bylaw authorises a constable to exercise the power of search under sections 169\(2\)\(a\) and 170\(2\) of the Act for temporary alcohol control areas declared in accordance with clauses 6 and 8.](#)

[Related information](#)*Explanatory note:* Section 170(2) [of the Act](#) provides constables with additional powers of search in relation to temporary alcohol [controls/bans](#) that have been notified and indicated by [signs/signage](#) in accordance with section 170(3) of the Act.

Part **54**: Offences and Penalties

11 Bylaw breaches

- 11.1 Every person who breaches this [bylaw/Bylaw](#) commits an offence.
- 11.2 Every person who commits an offence under this [bylaw/Bylaw](#) is liable to a penalty under the Act.

[Related information](#)*Explanatory note:* As at [29-October-2013](#)[29 August 2024](#), the penalty for breaching an alcohol control bylaw is an infringement fee of \$250 under the Local Government (Alcohol Control Breaches) Regulations 2013.

Part **65**: Exceptions

12 Exceptions

- 12.1 Council may issue a consent to any person, or class of persons, to allow the consumption, bringing in and possession of alcohol in a public place (including inside a vehicle) within an [alcohol control area/alcohol ban area](#).
- 12.2 In considering an application for a consent under clause 12.1, Council will consider the following matters:
- a. The purpose of the exception;
 - b. The proposed duration of the exception;
 - c. The area of the proposed exception;
 - d. Whether the area is under the control of, or managed by, Council;
 - e. Whether any other permits are required from Council for the event;
 - f. Any other matter Council considers relevant.
- 12.3 Council may prescribe conditions for any such consent, including, but not limited to:
- a. the duration of the consent;
 - b. the exact location to which the consent applies;
 - c. the maximum number of people the consent applies to.

12.4 Council may by resolution made after consultation that gives effect to the requirements of section 82 of the Act:—

- a. prescribe a fee for receiving and processing an application and issuing a consent;
- b. determine situations when consent fees may be remitted, refunded or waived.

12.5 ~~A Council may cancel a~~ consent ~~may be cancelled by Council~~ at any time.

Related information Explanatory note: Exceptions for events with special licences do not require consent under clause ~~11.1~~12.1, as they are excluded from the definition of public places that applies to this Bylaw.

Part 6: Savings

13 Existing consents

~~12.6~~13.1

consents issued under clause 12.1 prior to amendments in clause 2.2 coming into force remain valid subject to clause 12.5.

C

***Attachment 3 - Historical Police
evidence (2018)***



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: John FAGAN

Title: Senior Sergeant – Area Prevention Manager

Police Station (if applicable): Whangarei/Kaipara

Which alcohol control area are you commenting on?

Area Whangarei CBD

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The area of the CBD was the central focus for alcohol related offending & victimisation. There were several poorly run licenced premises that promoted excess drinking resulting in disorder, fights, assaults and in some cases extreme intoxication.

This atmosphere attracted a lot of undesirable behaviours & people. Many people didn't actually enter any of the licenced premises and sat out in the street side loading from vehicles in the carparks like Vine Street & down at the Town Basin. There were groups of youth who would congregate in the Cameron St Mall or in Vine St, drinking and waiting to target a vulnerable person and rob them or just assault them.

Often Police would have to have permanently stationed staff in Vine St where the majority of the late night licenced premises were to prevent any violence erupting on the street. And often when Police were called away to attend another incident almost immediately an issue would occur back in the CBD. This was a very resource intensive role for Police especially on our busy Friday/Saturday nights. Often these assault/fights resulted in serious injury & hospital/ambulance treatment and often involved more than two or three people against a single victim.

People would have no problem walking between venues taking their drink with them (remember the majority of licenced premises were poorly run), discarding their empty bottle/can in the street. There were also many incidents of vomit and urination in the street as a result, a popular place to urinate was the alleyway behind the Indian Restaurant on Vine St. This obviously wasn't pleasant for business owners the following day.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

The liquor ban has allowed Police to intervene at a much earlier stage before a person becomes intoxicated. There is not the mass and blatant drinking in carpark anymore and often people breaching the liquor ban have just arrived into town and are finishing off their last drink before going into the licenced premises.

There isn't the same attraction for people to 'hang around' in town and congregate and look for trouble since the implementation of the liquor ban area.

Where you have alcohol you will still have trouble and the liquor ban has not solved all the issues in the CBD. Along with stronger controls through the Supply & Sale of Liquor Act for the licenced premises and the introduction of the One Way Door policy has led to a vastly improved CBD.

The level of offending is not severe and the serious injury assaults are rare compared to what they were prior to the liquor ban and the other changes made to improve public safety.

The standard of our licenced premises has also had an impact and no longer do we see patrons leaving one venue carrying with them their drink on their way to another premises. The introduction of certified security has also had an impact.

We no longer have a dedicated Police patrol just for Vine St & Cameron St on a Friday/Saturday night.

The public have accepted the liquor ban areas and along with other control measures have greatly improved the CBD as a place for entertainment compared to the time before the liquor ban introduction.

Please describe how the alcohol control in this area assists you in supporting community safety:

Early intervention is the key, Police are able to identify and approach potential people who could be an issue later in the night. Often the Police approach is graduated and usually a breach of the liquor ban is resolved by asking the person to tip out their liquor and deposit their bottle/can in a bin.

It takes up minimal time is more often than not a positive interaction with Police and does not involve a visit to the cells.

There is also no longer any attraction for people to come into town and drink cheaper liquor out of their vehicles in a carpark.

As Police have less demand in the CBD it allows for resourcing to be directed towards other matters like family harm incidents or road policing.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: James Calvert

Title: Sergeant – Area Prevention Team Supervisor

Police Station (if applicable): Whangarei

Which alcohol control area are you commenting on?

Area Otaika

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

This area is a block of shops located on State Highway 1, Otaika Road, in Raumanga. The shops are a Four Square, dairy, pharmacy, Lotto/Post shop/book store, butchers, fish and chips shops and a liquor outlet. It is highly utilized by the local community with plenty of off street parking and an almost nonstop flow of customers all day long.

Issues that arose leading to the ban were:

Alcohol consumed around the shops. People brought alcohol then started to consume it there and then. This led to them continuing to linger by the shops becoming more and more intoxicated. This public drunkenness led to offending in the way of disorder, assaults, theft both from shops and people and the occasional robbery.
General carriage of alcohol around the streets and public spaces surrounding the area
This elevated feelings of vulnerability amongst the community

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

The Otaika Caravan and Holiday park is located across the road. This is of particular concern. This location is a high demand area for police with issues from across the crime spectrum including family harm violence, stranger violence, theft, robbery, disorder and sexual offending. Due to this Police recently conducted a Community Policing Operation through this park, speaking to the majority of residents. While most are good people operating on low incomes there is a group of residence for whom alcohol is an issue. Reports from the park indicate this group drink often and for long periods of time during the day and night. My own experience connects this group to the crime problems outlined above.
Other crime problems currently related to the shop include

- Aggravated robbery from the alcohol shop and Four Square.
- Disorder and begging. Often police attend these incidents and locate the offenders intoxicated
-

Please describe how the alcohol control in this area assists you in supporting community safety:

- People lingering and consuming alcohol in the area brings about crime. Our ability to intervene early and stop the drinking prevents this from happening. Once the ability to linger and drink has been taken away, the incentive to linger has gone and people often move on after doing
- This has proved a wonderful prevention first tool. We are able to respond to calls of people consuming alcohol and to enforce the alcohol ban early which mitigates further offending
- General feeling of security maintained as a result
- The community is well aware of the ban locations and will call for enforcement which in my view strengthens ties between police and the community
- The alcohol ban plays a vital role in keeping this community safe and removal of it will bring problem in particular with the proximity of problem drinkers in the caravan park.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: John LARKIN

Title: Sergeant

Police Station (if applicable): Otangarei

Which alcohol control area are you commenting on?

Area Otangarei

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

- Large amounts of alcohol consumed on the streets, outside the shops and on the playing fields, The Top Field by Marae, School, Rugby Club and the bottom field known as Fishbone Park.
- Continual disorder and assaults were common regularly.
- General carriage and consumption of alcohol around the streets and public spaces.
- This elevated feelings of vulnerability amongst the majority of the community.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

- Continual calls to disorder and fighting within the streets of Otangarei on a daily basis..
- Members of the public being attacked and feeling unsafe to walk around the area.
- Public urination/defecation.
- Sexual offending inappropriate behavior.

Please describe how the alcohol control in this area assists you in supporting community safety:

- The alcohol ban has been a proven prevention tool within the Community. We are able to identify and respond to calls of people consuming alcohol thus enforcing the alcohol ban early and preventing alcohol fueled offending.
- Sense of safety and security maintained as a result.
- The community is well aware of the ban locations and will call for enforcement which in my view strengthens ties between police and the community
- The alcohol ban plays a vital role in keeping this community safe

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: John FAGAN

Title: Senior Sergeant – Area Prevention Manager

Police Station (if applicable): Whangarei/Kaipara

Which alcohol control area are you commenting on?

Area Whangarei Falls

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The Whangarei Falls is a popular tourist spot and one for local youth especially in the summer time.

Prior to the liquor ban being introduced and the redevelopment of the carpark & toilet areas there were many incidents of vehicles being interfered with, assaults and burglaries to nearby houses along Ngunguru Rd.

Tourist vehicles being interfered with had detrimental effects towards our reputation and were often reported in the media as such.

The falls carpark was also a popular place for people to meet late and night and conduct activities including drinking alcohol. These were often people well known to Police.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

The liquor ban, the City Safe carpark ambassadors and the development of the carpark/toilet area including CCTV cameras has greatly reduced the amount of offending in the area of the falls.

Rarely do we have vehicle crime committed, tourists are free to visit the falls without the feeling of being unsafe and locals enjoy the swimming opportunities during summer.

The community group Tikipunga Pride often hold community events at the falls to promote Tikipunga and this has really turned this area into a must visit attraction.

Please describe how the alcohol control in this area assists you in supporting community safety:

The community have really taken ownership of the falls with Tikipunga Pride being the ultimate hosts for our tourists by keeping the carpark safe and therefore being the capable guardians.

The Police use the liquor ban bylaw to address potential issues early and use a graduated response to any persons breaching the liquor ban. This allows quick and easy enforcement and a practical way to resolve issues before they get more serious.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: Mark Stuart

Title: Senior Constable

Police Station (if applicable): Ruakaka

Which alcohol control area are you commenting on?

Area Marsden village

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

- Large amounts of alcohol consumed on grass verges, parks, playgrounds and the beach
- General disorder and assaults were common
- General carriage of alcohol around the streets and public spaces
- This elevated feelings of vulnerability amongst the community

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

- Mass disorder 30 people fighting along Karawai Street
- Parties on the beach which contribute to assaults, property damage (arson of walkways to the beach) dangerous and alcohol fueled driving in parks and the beach
- Public urination/defecation
- Sexual offending inappropriate behavior eg public masturbation, indecent exposure

Please describe how the alcohol control in this area assists you in supporting community safety:

- This has proved a wonderful prevention first tool. We are able to respond to calls of people consuming alcohol and to enforce the alcohol ban early which mitigates further offending
- General feeling of security maintained as a result
- The community is well aware of the ban locations and will call for enforcement which in my view strengthens ties between police and the community
- The alcohol ban plays a vital role in keeping this community safe

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: Craig BURROWS

Title: Sergeant

Police Station (if applicable): Kamo

Which alcohol control area are you commenting on?

Area Kamo

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

The regular problems included disorder, drunkenness, rubbish about the place (bottles) both broken and unbroken, just regular nuisance and it occurred on a regular occasions. On occasions we have had crime committed against tourists in these areas (thefts/violence) this impacts on our reputation as a tourist destination and often these crimes involved alcohol being consumed prior to the offending. A large amount of time was spent in these areas by police directly related to alcohol consumption and the effects it has on people (as mentioned above).

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Compared to what we used to respond to there has been a marked difference. We no longer spend the vast amounts of time in Kamo with drunkenness and those people wanting some food (McDonalds). The alcohol related crimes have dropped off which has allowed Police to spend time more wisely in other areas. Yes they occasionally still occur but I believe it was the original enforcement and help form local community that has us where we are today. Police take a discretionary approach to dealing with breaches of the alcohol ban, different approaches are taken when you have a group with a box of alcohol obviously intent on having a party as opposed to a family having a picnic on the beach and having a drink with their meal. We think this approach works well and is intended to make the beaches and surrounding beachside areas attractive to all members of the community without feeling intimidated by larger groups wanting to have more than one drink at the beach.

Please describe how the alcohol control in this area assists you in supporting community safety:

It has put trust and confidence back into the community. We work together in Kamo like most communities. We need to ensure it is safe for them to come and meet there needs in a safe environment any time of the day. The alcohol by laws has given us an extra power (if needed) top help deal with matters. We have a good communication system in place and any breaches (few and far between) are reported immediately. By removing the drunkenness the public can do what they need to do without any fear of being harassed by an intoxicated person nor see the other effects eg spew, broken bottles etc. Time spent has changed from more of a responding model to more of a proactive role. It also makes these area more attractive to tourists that visit these areas.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.





Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: John FAGAN

Title: Senior Sergeant – Area Prevention Manager

Police Station (if applicable): Whangarei/Kaipara

Which alcohol control area are you commenting on?

Area Tikipunga

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

Within the Tikipunga liquor ban is a large shopping area, a suburban tavern and a primary school.

The carparks to the tavern & the shopping centre in the past were popular meeting places including late at night.

The Tavern was very popular and often saw large crowds for bands and over events. Many people would use the carpark to side load rather than stay in the licence premises. This often attracted different groups in the carpark and interactions between these groups often led to trouble.

Though not as prolific as offending that occurred in the CBD it was significant on occasions and would almost always involve intoxicated persons.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

Now this location especially the tavern is not as popular as it had previously been, it still has occasional bands playing that attract larger crowds.

The nearby supermarket is open late and has workers stacking shelves most of the night and I'm sure that it is a comfort to know that it is unlikely they will be harassed by intoxicated persons in the carpark as they walk to their car after they have finished work. Same for the staff the work at the nearby service station.

With the liquor ban there is no attraction for groups of people to congregate, drink and cause issues either among themselves or with other persons.

Please describe how the alcohol control in this area assists you in supporting community safety:

This is a suburban shopping precinct and any alcohol should be restricted to the licenced premises, business owners, staff and customers should be free to conduct their business without the fear of having people drinking nearby in a public place.

The Police use the liquor ban bylaw to address potential issues early and use a graduated response to any persons breaching the liquor ban. This allows quick and easy enforcement and a practical way to resolve issues before they get more serious.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: Martin Geddes

Title: Senior Constable

Police Station (if applicable): Waipu

Which alcohol control area are you commenting on?

Area Waipu

District WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

I have Policed the Waipu / Ruakaka areas for seventeen years. It was evident right from the start that there were issues with alcohol in Public areas causing concern for both local residents, business and Police. One example of this was regular drinking over the Christmas holiday periods at Ruakaka Reserve at Ruakaka Beach and Waipu Reserve at Waipu Cove. Police were called to these locations on numerous occasions to deal with disorder, vehicle crime and assaults. We regularly required back up to deal with large crowds of unruly young people who would turn on the often lone Officer who had been called out to deal with the offending. The main street of Waipu was an often targeted by drunken youths smashing shop windows, willful damage and disorder. Every year the annual Waipu Christmas parade would degenerate into mass disorder, brawling, assaults and driving offences. I recall being the lone officer dealing with mass disorder and brawling on the main street of Waipu early one Christmas morning. There were up to sixty people fighting on the main street trying to tip vehicles over. This type of behavior was a common occurrence following the annual parade requiring Police to bring in extra staff to deal with the aftermath. I recall nother incident where a local was jabbed in the face with a broken bottle during a fight at the Waipu Cove Reserve and another male was thrown through a plate glass window from a fight that was initiated at the same reserve. I could go on and on recalling and reliving these types of incidents.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

The bans for Ruakaka reserve, Waipu main street and Waipu Cove have made a huge difference to the crime states in the district. We are now able to move people on before matters escalate. In fact the bans have worked so well that we are rarely called to any incidents in these previous hot spots.

Please describe how the alcohol control in this area assists you in supporting community safety:

The community feels a lot safer due to these bans. In fact they are safer as very rarely are the bans breached. The number of harm incidents in these public areas has dramatically dropped. In my view the bans have been a spectacular success. If the bans were lifted I have no doubt that the associated problems would become evident again.

For this alcohol control area, what would you like to see in the future?

Retain the area as it is.



Alcohol Control Bylaw reviews

Feedback form for New Zealand Police Officers

Name: John Fagan

Title: Senior Sergeant – Area Prevention Manager – Whangarei/Kaipara

Police Station (if applicable): Whangarei

Which alcohol control area are you commenting on?

Area	Mean low water springs to 300 metres inland on coast where WDC public land	District	WDC

Please briefly describe the problems experienced in the area before the ban was put in place, either through personal experience, or through feedback from colleagues or the community. Leave empty if you cannot comment.

In regards to the 300m liquor ban throughout the district, Police don't overly use this provision. The majority of problem areas are covered by the specific coastal liquor bans.

However throughout the summer period where our coastal areas are significantly busier, then a liquor ban for such places as Ruakaka Reserve, Waipu Cove, Langs Beach and Uretiti which aren't covered under a specific liquor ban would be useful as the Waipu Officer Constable Geddes.

I think if we maintain this ban across the District through the warmer months, it would provide a clear guideline for the community and ease of enforcement for Police.

Please briefly describe the types of alcohol related crime and disorder issues that have occurred, or currently occur in this area:

See comments from Constables Geddes on Waipu form – I have confirmed with him he is specifically talking about:

- Ruakaka Reserve
- Uretiti
- Waipu Cove
- Langs Beach

With his comments (in addition to Waipu township)

Please describe how the alcohol control in this area assists you in supporting community safety:

as above

For this alcohol control area, what would you like to see in the future?

Modify the boundaries of the area or modify the timeframes that apply (e.g. weekends or summer only)

Alcohol Control Bylaw review

Findings report

October 2023

LICE

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1 Executive summary

Section 147 of the Local Government Act 2002 (LGA) gives Council the power to ban or otherwise regulate the consumption and possession of alcohol in public places. The definition of public place excludes licensed premises, but can include diverse types of property such as supermarket carparks and community halls. The Alcohol Control Bylaw (the Bylaw) is just one of a limited set of tools available to Council to regulate alcohol consumption in Whangārei District.

New Zealand Police Officers enforce the Bylaw. They have other powers to address alcohol-related offending in public places, such as under the Summary Offences Act 1981 and the Litter Act 1979. However, the Bylaw gives Police a pre-emptive tool to intervene before offending has taken place. Police strongly support the Bylaw.

Northlanders, and especially young Northlanders, appear to be drinking less than five years ago. This reflects long-run national and international trends. But hazardous drinking patterns remain stubbornly prevalent, especially among adults. Moreover, a growing proportion of alcohol is consumed in off-licence locations, which gives the Bylaw a wider potential reach than otherwise indicated by the trend decline in consumption.

To retain the Bylaw, Council must be satisfied that the level of crime and disorder experienced before it was made would return without it. There are limitations to a data-driven approach, but strong Police support and CitySafe data on antisocial behaviour in the city centre provide a basis for Council to continue the Bylaw.

A bylaw remains the most appropriate way to reduce alcohol-related crime and disorder in public places. The operative Bylaw is structured optimally and its wording reflects modern drafting practices. The restrictions it imposes on people's freedoms are reasonable and fair in the interest of reducing alcohol-related crime and disorder in public places.

2 Introduction

Alcohol plays a large role in New Zealanders' lives. New Zealand Police estimate that one-third of all Police apprehensions involve alcohol and half of serious violent crimes are related to alcohol.

Council's operative Alcohol Control Bylaw (the Bylaw) provides one tool to combat the incidence of alcohol-related crime and disorder in public places.

This report summarises the statutory framework, key justifications and wider context for its review.

2.1 *The Bylaw is just one of a limited set of tools available to Council to regulate the use of alcohol in the Whangārei District*

The following table summarises Council's various obligations and options when it comes to regulating the supply and consumption of alcohol.

Table 1: How councils must, may and may not regulate alcohol

What councils must do	What councils may do under legislation	What councils may do in general	What councils cannot do (examples)
Administer the Sale and Supply of Alcohol Act 2012	Local Alcohol Policies	Control alcohol at Council venues	Control alcohol advertising standards
Issue, manage and monitor: - On- and off-licences - Special licences - Manager's certificates	Alcohol control bylaws to prohibit or limit alcohol consumption in public places; enforceable by New Zealand Police	Education and advocacy	Change the drinking age
		Urban design practices (CPTED)	Prohibit alcohol sales and consumption
		Submit to central government on alcohol-related issues	Change the drink-driving limit
		Through the District Plan, control activities such as retail, restaurants, nightclubs and bars	

3 The Bylaw has a narrow scope

3.1 *Council is empowered to ban or otherwise regulate alcohol consumption and possession in in public place*

Section 147 of the Local Government Act 2002 (LGA) gives Council the power specifically to make a bylaw to prohibit or otherwise regulate the consumption, bringing in and possession of alcohol in public places.

3.2 Regulation or bans require evidence of crime and disorder caused or exacerbated by alcohol consumed in the area concerned

The LGA sets a high evidential threshold for councils to make an alcohol control bylaw. Generally, Council requires evidence of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the public places targeted by the Bylaw.¹

Further, the Bylaw must also be *reasonable*, *appropriate* and *proportionate* in the light of that crime or disorder.²

3.3 The definition of public place is vague and broad, but excludes licensed premises

The relevant definition of public place is broad:

“Public place—

- (a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it
- (b) does not include licensed premises.”³

The Bylaw’s reach can therefore extend to diverse types of publicly accessible property, such as supermarket carparks, private schoolgrounds, conservation land and even unlicensed club or community venues.

On the other hand, bars, restaurants and club venues that have been issued a licence to serve alcohol fall outside the scope of the Bylaw, even where their seating extends into the public realm (provided the licence allows for this).

The sale of alcohol by bottle stores and supermarkets also falls outside the Bylaw’s scope.

4 The role of Police and other agencies

4.1 New Zealand Police Officers enforce the Bylaw

Only constables can take enforcement action under alcohol control bylaws. Constables have powers of arrest, search and seizure and can ask someone to leave an alcohol control area and/or pour out alcohol from open alcohol vessel(s) in their possession.⁴

Constables have discretion over whether to enforce the Bylaw. It is the prerogative of Council to determine the areas *where* and *when* Police can exercise this discretion by defining alcohol control areas.

Under the Local Government (Alcohol Ban Breaches) Regulations 2013, constables can issue an infringement fine of \$250 to anyone who breaches the Bylaw.

4.2 Police also have powers under other legislation to enforce alcohol-related crime and disorder

Constables have powers under other legislation to address antisocial behaviours related to alcohol consumption, mostly once the behaviour has occurred or offending has been committed.

¹ Section 147A(1)(b)(i) LGA

² Sections 147A(1)(a) and (1)(b)(ii) LGA

³ Section 147(1) LGA

⁴ Sections 169 and 170 LGA

4.2.1 Summary Offences Act 1981

Police can use the provisions of the Summary Offences Act to address offending associated with alcohol consumption in public places, including:

1. Disorderly conduct

Disorderly conduct involves behaving in a manner that is likely to cause violence, alarm, or distress to others. This can include fighting, using threatening language or acting aggressively in a way that disrupts public peace.

2. Public nuisance

Public nuisance is defined as any behaviour that interferes with the reasonable comfort or convenience of any person in a public place. This can include things like excessive noise, offensive language, or actions that cause annoyance to others.

3. Underage drinking

People aged under 18 years may not drink alcohol or have alcohol in their possession in a public place if they are not accompanied by their parent or guardian.

While the Summary Offences Act gives police powers to address the above offences that can be associated with alcohol consumption in public places, it provides limited powers for the Police to proactively stop problems in these places before they start. Also, arresting and processing offenders under this Act involves more Police time and resources compared with issuing fines or warnings under a bylaw.

4.2.2 Litter Act 1979

Police officers can issue infringement notices under the Litter Act 1979 to people who dump litter such as alcohol bottles or cans in public places.

4.3 **Police strongly support the Bylaw because it allows early intervention before crime has been committed**

Whangārei-based Police have expressed strong support for retaining the Bylaw and, in some cases, extending the boundaries of the alcohol control areas:

The early intervention [provided for by the Bylaw] is key for Police in reducing victimisation and criminal offending caused by alcohol consumption. Liquor bans allow Police to intervene at a much earlier stage before people become intoxicated. It is an option we can use as a deterrent to combat overconsumption which often results in fighting, antisocial behaviour [...] and violence.

The people of Whangarei are accustomed to understanding that liquor ban areas do exist regardless where one may be whether on the beach or in the CBD. It would continually be beneficial that the existing control areas be affirmed and in some cases enhanced. The benefits to our community [...] improve the perception of safety and help the ability of Police to action that perception.

Sergeant Tai Patrick, Alcohol Harm Prevention Officer for Whangārei and Kaipara

4.4 Alcohol consumption on much conservation land is regulated by the Northland Reserves Bylaws 2007

The Minister of Conservation can make bylaws to regulate activities on public conservation land, including to prohibit “the bringing into a reserve or the possession or consumption in a reserve of alcohol.”⁵

In the Whangārei District, the Northland Reserves Bylaws 2007 give rangers (and constables) the power to expel and/or confiscate any alcohol in the possession of a person who the ranger (or constable) reasonably believes:

- behaves in a disorderly, insulting, offensive, riotous or threatening manner likely to lead to violence against persons or property; or
- disturbs or interferes with any other person’s use or enjoyment of the reserve in any way, including by being intoxicated or using loud, abusive, foul, indecent, or obscene language.⁶

Failure to comply can result in a fine of up to \$400.

The Northland Reserves Bylaw applies to 18 reserves in the Whangārei District.⁷

5 Trends in alcohol consumption

There is a lack of reliable, comparable data on alcohol consumption across age groups at a Whangārei District level. Data from Manatū Hauora/Ministry of Health suggest that Northlanders tend to consume more alcohol more hazardously than the national average. However, the national average is skewed by Auckland, which consumes much less alcohol than New Zealand’s other regions. Excluding Auckland, Northlanders drink about the same as other New Zealanders.⁸ This section assumes that local trends in alcohol consumption can be inferred from nationwide trends.

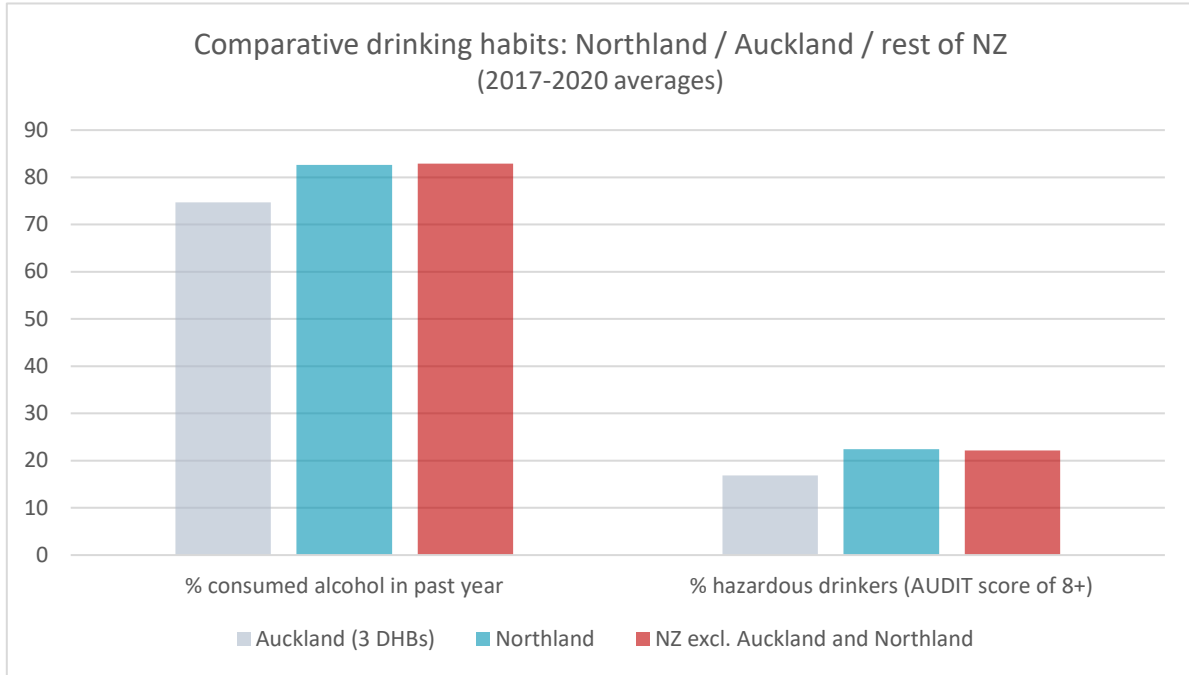
⁵ Section 106(3) of the Reserves Act 1977

⁶ Clause 4 of Schedule 1 of the Northland Reserves Bylaws 2007

⁷ Bream Head Scenic Reserve, Bream Tail Scenic Reserve, Manaia Ridge Scenic Reserve, Mimiwhangata Scenic Reserve, Motu Kauri Scenic Reserve, Motukiore Island Recreation Reserve, Motutara Recreation Reserve, Oakura Beach Domain Recreation Reserve, Ocean Beach Recreation Reserve, Otamure Recreation Reserve, Poupouwhenua Scenic Reserve, Purua Scenic Reserve, Riponui Scenic Reserve, Bream Islands Scenic Reserve, Ruakākā Scenic Reserve, Uretiti Recreation Reserve, Uretiti Scenic Reserve, Waipu Government Purpose (Wildlife Refuge) Reserve.

⁸ See <https://minhealthnz.shinyapps.io/nz-health-survey-2017-20-regional-update/>.

Chart 1: Northland drinks more heavily than Auckland, but the same as the rest of New Zealand

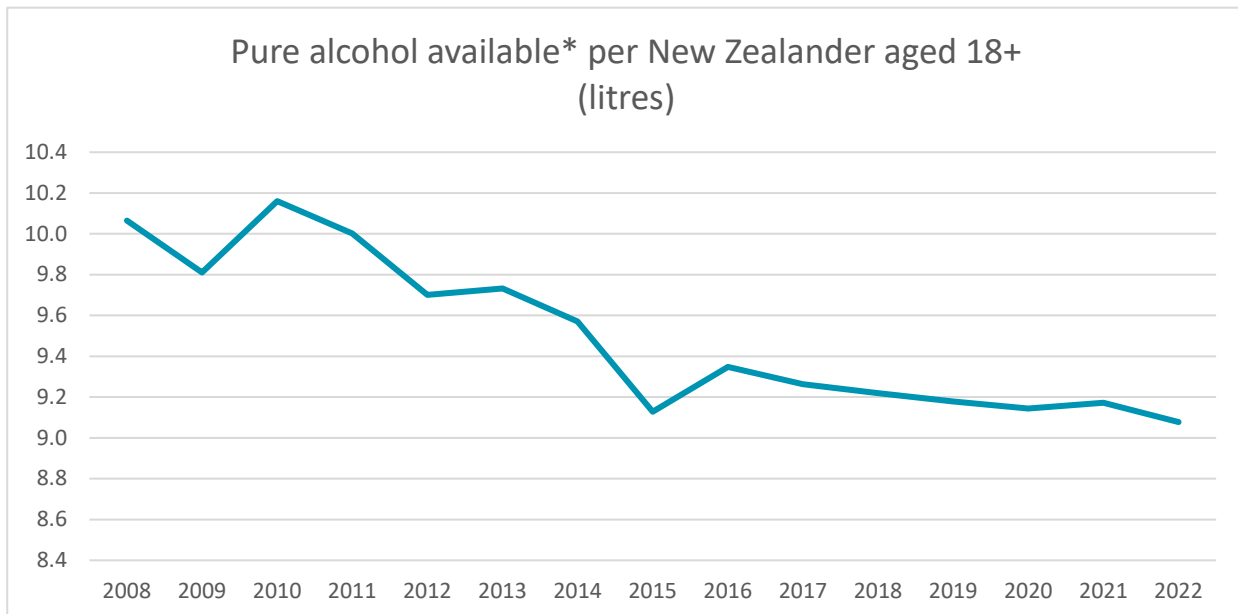


Source: Manatū Hauora/Ministry of Health. <https://minhealthnz.shinyapps.io/nz-health-survey-2017-20-regional-update/>. The Alcohol Use Disorders Identification Test (AUDIT) is a 10-question survey that captures three aspects of alcohol use: consumption, dependence and experience of harm.

5.1 Alcohol consumption has declined in recent decades, especially among young people

Data from Statistics New Zealand indicate a clear trend decline in alcohol consumption among New Zealand adults over the past 15 years (Chart 2).

Chart 2: Alcohol consumption in New Zealand is declining



* Alcohol available is calculated from production for domestic consumption, plus imports, less exports. Source: Stats NZ

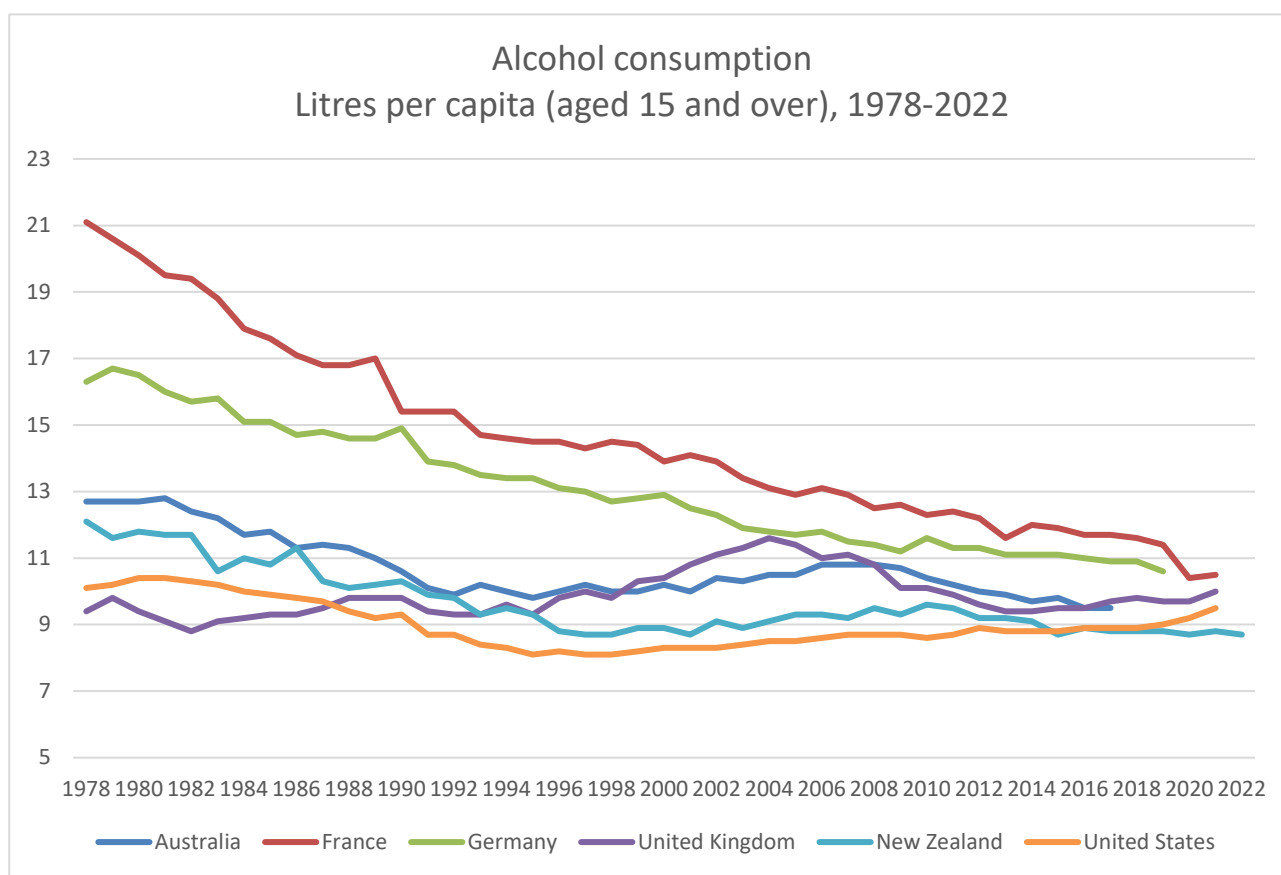
This recent trend decline in alcohol consumption appears to be even more pronounced among young people. For instance, one study on adolescent health found that the proportion of secondary students reporting binge-drinking in the past month (defined as five or more drinks in a session) declined from 42% in 2001 to 22% in 2019.⁹

Another qualitative study comparing drinking (and non-drinking) behaviours among teenage cohorts 20 years apart concluded that since the turn of the millennium, alcohol consumption has shifted from a near-compulsory part of teenage social life to an optional activity that many contemporary teenagers consider has high risks and few benefits.¹⁰

The authors attribute their findings to a higher value placed on personal choice and more acceptance of diversity; decreased face-to-face socialising and the emergence of social media as a central feature of teenage social life, potentially supplanting the primary roles of drinking and partying; increased prevalence of risk in public discourse; and increased awareness of the health and social risks of alcohol.

These nationwide trends echo a much broader trend decline in alcohol consumption in most Organisation for Economic Co-operation and Development (OECD) countries in recent decades (Chart 3).¹¹

Chart 3: Most of the OECD is drinking less



Source: OECD. Alcohol consumption is defined as annual sales of pure alcohol in litres per person aged 15 years and older.

⁹ Fleming T, Ball J, Bavin L, Rivera-Rodriguez C, Peiris-John R, Crengle S, et al. 2022. “Mixed progress in adolescent health and wellbeing in Aotearoa New Zealand 2001–2019: A population overview from the Youth 2000 survey series”. *Journal of the Royal Society of New Zealand*, 52:4. <https://doi.org/10.1080/03036758.2022.2072349>

¹⁰ Ball, J, Pettie, MA, Poasa, L, Abel, G. 2023. “Understanding youth drinking decline: Similarity and change in the function and social meaning of alcohol use (and non-use) in adolescent cohorts 20 years apart.” *Drug Alcohol Review*. <https://doi.org/10.1111/dar.13685>

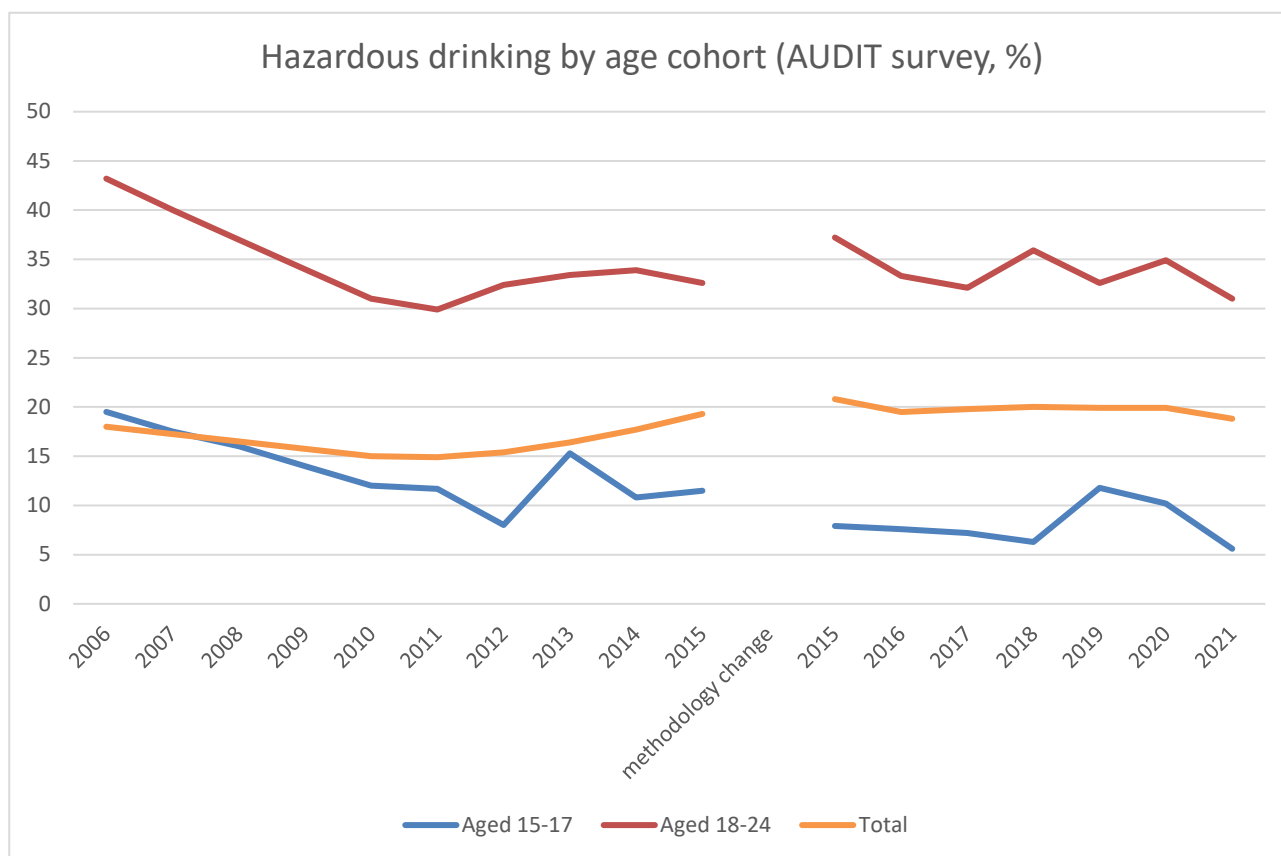
¹¹ OECD. 2023. *Alcohol consumption (indicator)*. DOI: 10.1787/e6895909-en.

5.2 Binge-drinking rates have been more stubborn, albeit declining among younger cohorts

According to the Alcohol Use Disorders Identification Test (AUDIT) survey developed by the World Health Organization and published in New Zealand by Manatū Hauora/Ministry of Health, 18.8 per cent of adult New Zealanders exhibited “hazardous” drinking behaviours in 2021.¹² While this compares favourably with the 20.8 percent recorded in 2015, when the current time series began, the rate of hazardous drinking had risen steadily in the five years prior to 2015.

However, the incidence of hazardous drinking has tended to decline over time among the youngest cohort. It has also declined in the case of 18- to 24-year-olds, but remains high in both relative and absolute terms.

Chart 4: Hazardous drinking behaviours have been more stubborn among adults than younger cohorts



Source: Manatū Hauora/Ministry of Health. The Alcohol Use Disorders Identification Test (AUDIT) is a 10-question survey that captures three aspects of alcohol use: consumption, dependence and experience of harm.

5.3 Meanwhile, the off-licence share of alcohol consumption has risen

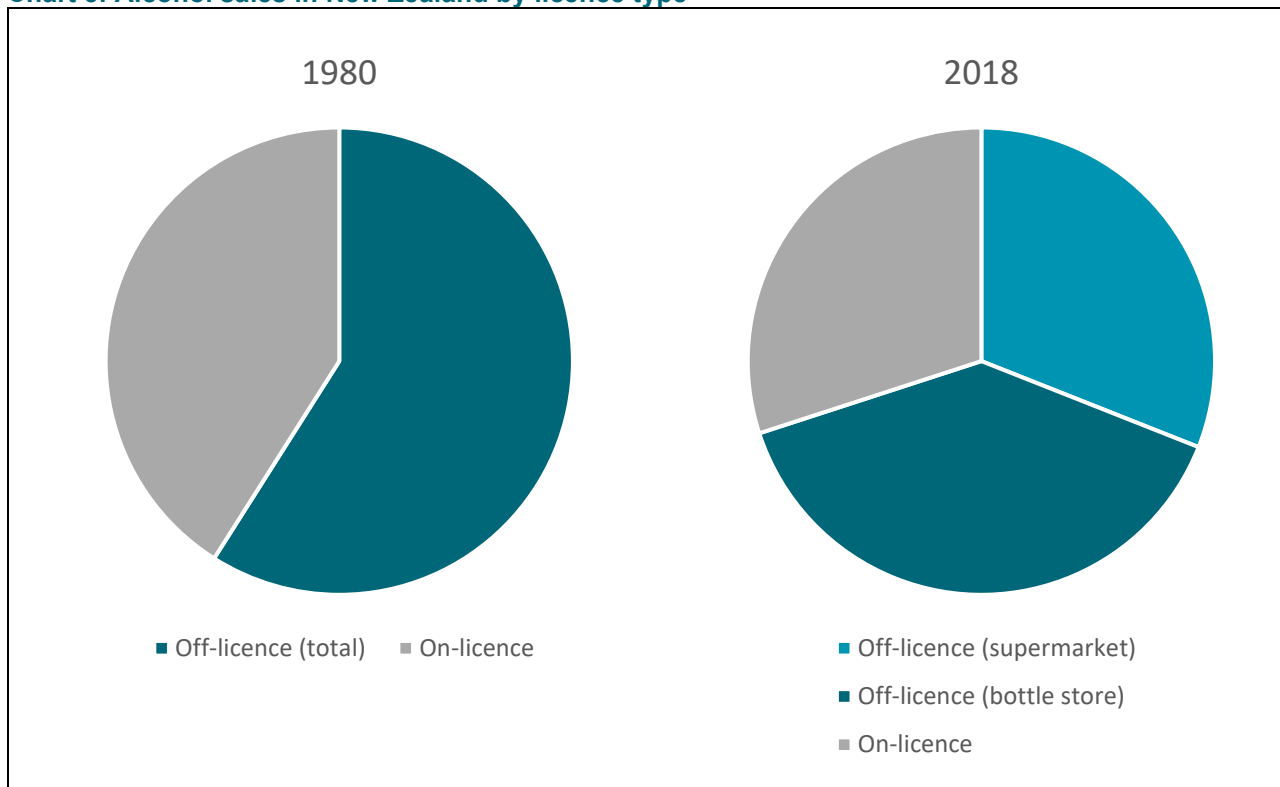
In 1980, around 59 per cent of alcohol was consumed outside of licensed premises.¹³ In 2018, this figure had risen to 70 per cent (39% was purchased from bottle stores and 31% from supermarkets).¹⁴

¹² Manatū Hauora/Ministry of Health. *Annual Update of Key Results 2020/21: New Zealand Health Survey*. <https://www.health.govt.nz/publication/annual-update-key-results-2021-22-new-zealand-health-survey>

¹³ Law Commission. 2010. *Alcohol in our Lives: Curbing the Harm*. NZLC Report no. 114.

¹⁴ M.E Consulting. 2018. *New Zealand alcohol supply and demand structures*. Research report for Health Promotion Agency.

Chart 5: Alcohol sales in New Zealand by licence type



Sources: Law Commission (2010), M.E Consulting (2018)

This trend rise in the off-licence share of consumption suggests that the Bylaw’s reach may be greater than the trend decline in consumption would otherwise indicate.

6 CitySafe data support retaining the Bylaw

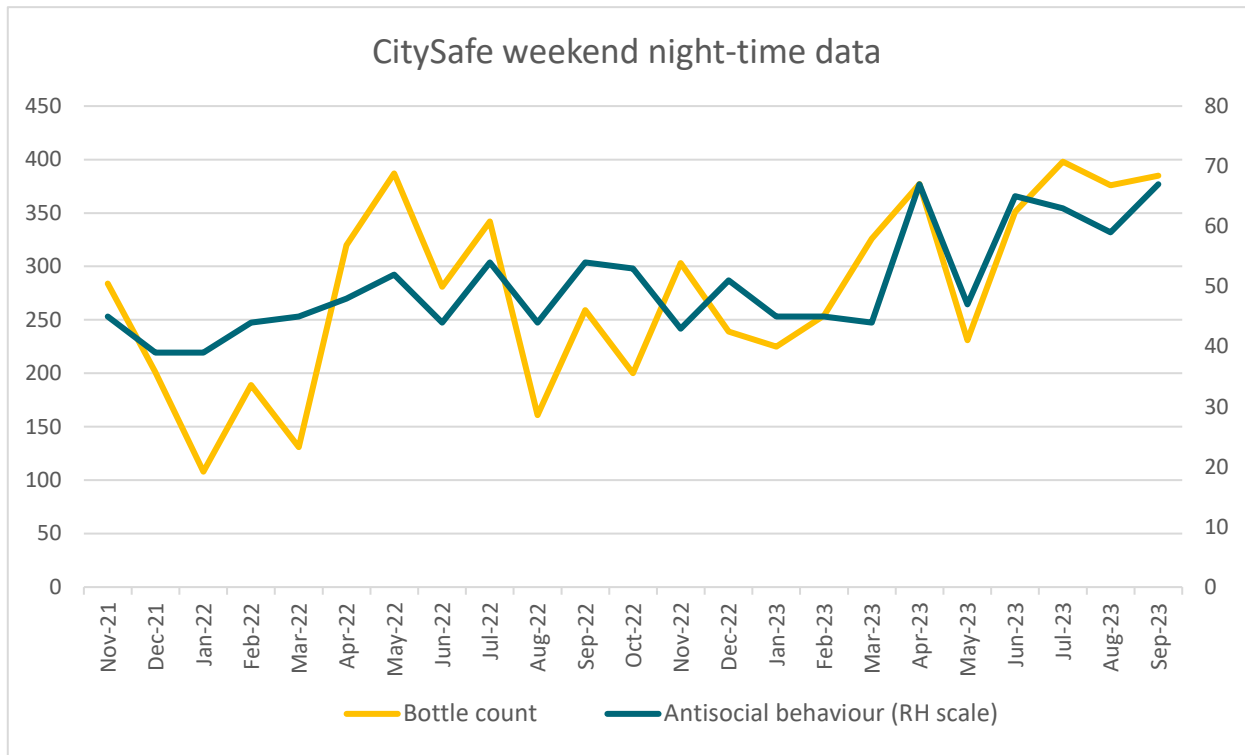
Council’s CitySafe Community Officers moderate antisocial behaviour in the city centre by virtue of their presence and by acting as the “eyes and ears” for Police through radio contact with volunteer CCTV operators at the Whangārei Central Police Station.

They also help to “enforce” the Bylaw by reminding those who breach the city centre alcohol ban of its existence and potential Police response.

Since 2015, CitySafe Officers have recorded the number and types of antisocial behaviour they witness, including crime and disorder, between midnight and 4:00am on Friday and Saturday nights.

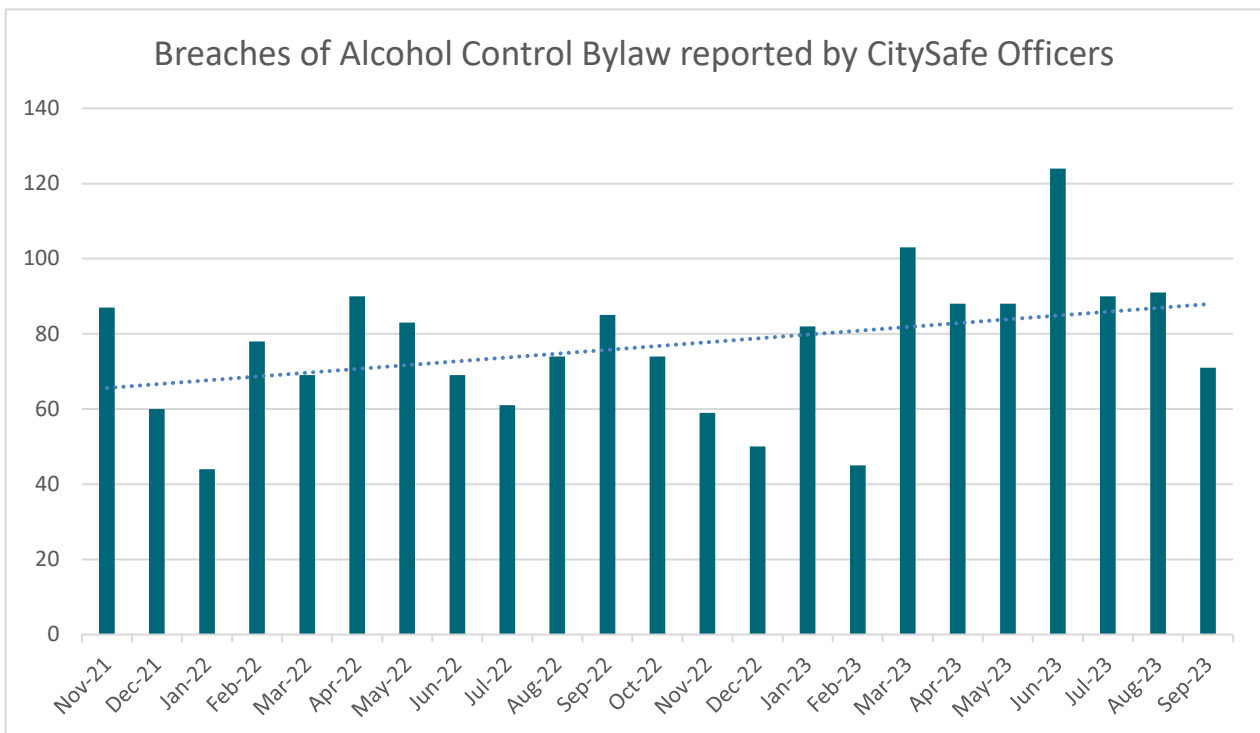
Chart 6 below plots the monthly number of alcohol bottles and cans picked up by CitySafe Officers in the city centre against the monthly incidence of antisocial behaviour reported by the Officers, scored on a scale of one to three, at the end of each five-hour shift.

Chart 6: There is a high correlation between the night-time bottle count and antisocial behaviour reported by CitySafe Officers



Contrary to wider trends in the volume of alcohol consumed, individual breaches of the Bylaw in the city centre have tended to rise over the past two years.

Chart 7: Reported breaches of the Bylaw have trended higher in the city centre



The CitySafe data show the continued occurrence of alcohol consumption in public places in the city centre and a high and positive correlation between this consumption and antisocial behaviour.

7 Content of the Bylaw and analysis

The 2018 Bylaw is a skeleton bylaw. It has been structured so that individual alcohol control areas can be made, changed or revoked by resolution of Council after consultation, rather than through a more cumbersome amendment to the Bylaw.

This section discusses the Bylaw’s key provisions.

7.1 Clause 6.1 sets out Council’s power to declare alcohol control areas by resolution

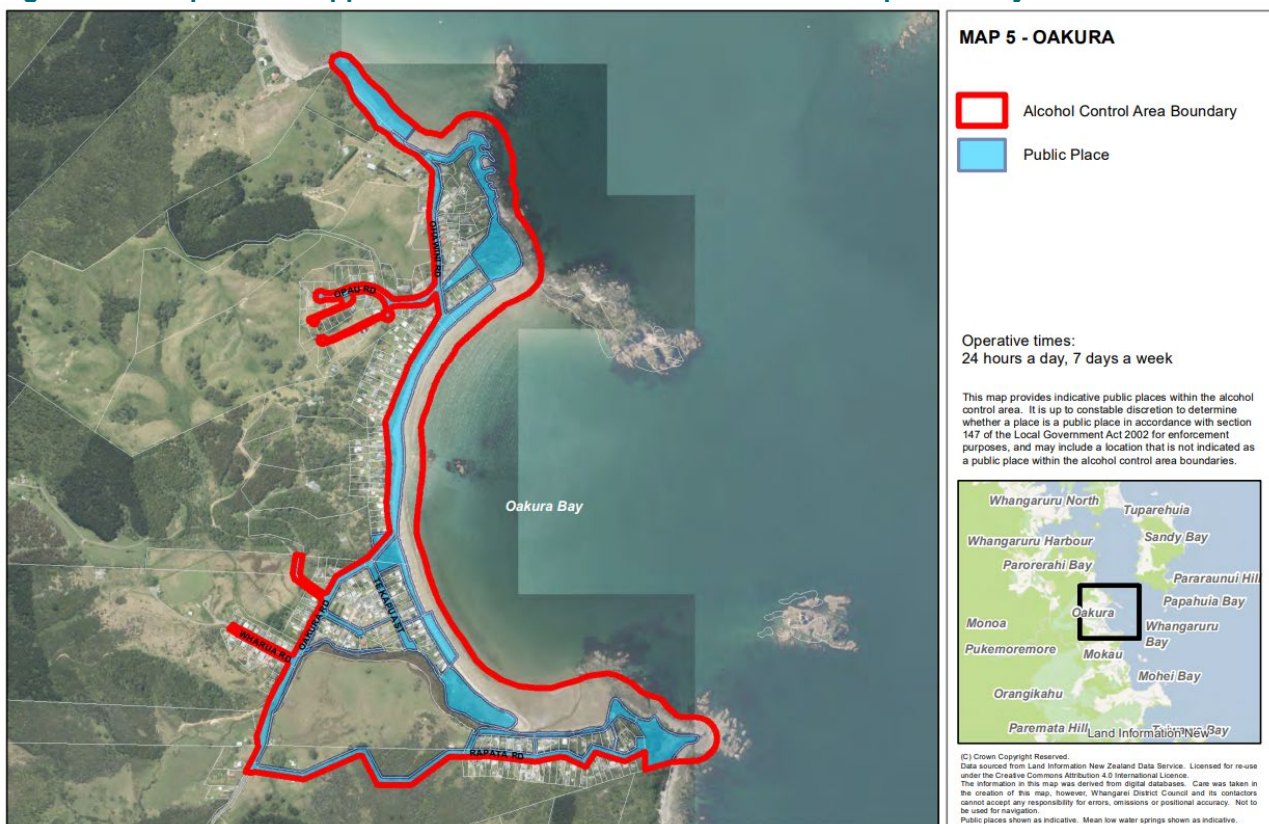
The operative Bylaw has been structured so that individual alcohol control areas can be made, changed or revoked by resolution of Council after consultation, rather than through a relatively more cumbersome amendment to the Bylaw.

Clause 6.1 has been used only once over the five-year lifespan of the Bylaw, when it was first made in December 2018.

Nevertheless, this approach does provide current and future Councils more freedom to respond to community demands over the anticipated 10-year lifespan of the reviewed Bylaw. It is also specifically provided for in sections 151(2) and 147B of the LGA.

Clause 6.2 requires any resolution made under 6.1 to include a map of the alcohol control area.

Figure 1: Example of a mapped alcohol control area made under the operative Bylaw



7.2 Council has declared temporary alcohol bans under clause 8 only once in five years

Council can also declare temporary alcohol bans for a period of up to seven consecutive days.

This power has also been used only once, again when the Bylaw was made in December 2018. The decision of Council applied to three events held at the Northland Events Centre in early 2019 and was informed by a 10-page report, including feedback from New Zealand Police and Venues and Events staff and a map of the proposed alcohol control area.

Given the evidential requirements of sections 147A and B, it is difficult to envisage making this process more streamlined.

7.3 Clause 12 provides for exemptions for special events

Feedback from Health and Bylaws staff suggests that this clause performs well. It provides Council with flexibility and offers a reasonable opportunity for the public to consume alcohol at special events in areas where an alcohol ban applies.

At the time of writing, Council had granted 112 exemptions in 2023, mostly for events such as weddings, birthday parties and club events. A total of 116 exemptions were granted in 2022; 100 were granted in 2019.

7.4 The Bylaw does not offer a carve-out for freedom campers, even though provided for in the legislation

Section 147(3) of the LGA allows for councils to regulate or control “the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.”

Such an exemption could feasibly be applied to eligible vehicles camping in designated sites in accordance with Council’s Camping in Public Places Bylaw.

Council staff are not aware of any other councils in New Zealand that have used this provision to exempt certain types of vehicles from alcohol bans.

8 Legislative assessment

Section 147A of the LGA sets out various criteria for continuing or amending an alcohol control bylaw.

8.1 To retain the Bylaw, Council must determine that the level of crime and disorder experienced before it was made would return without it

To continue the Bylaw without substantive amendment, Council must be satisfied that:

the level of crime or disorder experienced before the bylaw was made (being crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area concerned) is likely to return to the area to which the bylaw is intended to apply if the bylaw does not continue.¹⁵

¹⁵ Section 147A(2) LGA

8.2 It is not feasible to prove the level of alcohol-related crime or disorder before the bylaw was first made

Council has had some form of alcohol control bylaw since at least as far back as 1996. It is not clear what data informed the bylaw at the time. Moreover, gathering reliable anecdotal evidence is complicated by the length of time that has elapsed since then.

There are also limitations to Police data. It is sometimes impossible to isolate data on offending related to alcohol consumed in licensed premises or at home from that related to consumption in public places.

Moreover, actions to enforce the Bylaw are often unreported, as they can be as simple as speaking to the individual(s) concerned and asking them to tip out their alcohol and dispose of empty bottles or cans.

Council staff have approached Police for data on alcohol-relating offending in the Whangārei District. Requests for data from Police's Intelligence Section have a long lead time and this data is not available at the time of writing.

Staff anticipate supplementing this data with area-specific anecdotal evidence from Police to inform the analysis of Council's alcohol control areas in the first half of 2024.

8.3 Strong Police support and CitySafe data provide a basis for Council to continue the Bylaw under section 147A

Police strongly support Council's Bylaw and would like some of the associated alcohol control areas expanded. These views are reinforced by Council's own Community Safety Officer and, in the case of the city centre, corroborated by the data recorded by Council's CitySafe Community Officers. This data, coupled with the pre-emptive, "soft" Police action made possible by the Bylaw, indicates a high likelihood that the Bylaw's existence prevents crime and disorder.

8.4 Council must still make the usual determinations about the appropriateness of the Bylaw

The next step for Council is to determine that:

1. a bylaw is the most appropriate way of addressing the perceived problem (crime or disorder caused or made worse by alcohol consumption in public places);
2. the proposed bylaw is the most appropriate form of bylaw; and
3. the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.¹⁶

8.4.1 A bylaw is the most appropriate mechanism for reducing crime and disorder related to alcohol consumption in public places

Table 2 outlines Council's options for addressing the problem of crime and disorder related to the consumption of alcohol in public places.

¹⁶ Sections 155(1) and (2)(a) and (b) LGA

Table 2: Alcohol Control Bylaw options matrix

Option 1	Option 2	Option 3
Let Bylaw lapse in December 2025	Replace Bylaw with a non-regulatory “alcohol-free policy”	Continue the Bylaw for alcohol control purposes
<p>Would not address perceived problem.</p> <p>Police would have no tool to pre-emptively address alcohol-related antisocial behaviour in public</p>	<p>Would rely on voluntary compliance to address perceived problem.</p> <p>Police would have no tool to pre-emptively address alcohol-related antisocial behaviour in public</p>	<p>Addresses perceived problem by empowering Police to pre-emptively address alcohol-related antisocial behaviour in public.</p>

8.4.2 The operative Bylaw is the most appropriate form of bylaw, but minor amendments may be proposed

The skeletal bylaw approach provides an optimal balance between meeting legislative requirements and giving Council a flexible tool to respond to evolving community demands. It also:

- reflects current legislation
- avoids unnecessary duplications of the legislation
- uses plain English.

Council may wish to consider making some minor improvements to the wording of the Bylaw, in addition to a savings clause to carry over the existing ban areas made under clause 6.1 pending a fuller review of their appropriateness.

Amendments to these individual alcohol control areas may be proposed in a second stage of the review process, but they will not alter the content of the Bylaw itself.

8.4.3 The operative Bylaw is consistent with the New Zealand Bill of Rights Act 1990

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand, including the right to freedom of movement. The operative Bylaw, together with the associated enforcement provisions, provides that constables can ask people to leave public places that are subject to a permanent or temporary alcohol control, if they are in possession of alcohol.

The power the Bylaw gives Council to ban alcohol consumption in public places is fair and reasonable in the interest of reducing alcohol-related crime and disorder in public places. The Bylaw does not restrict the movement of people who are not in possession of alcohol or those drinking alcohol in private or licensed premises.

While constables have discretion over whether to exercise their powers to enforce the Bylaw, it is up to Council to decide where and when in the District this discretion may be exercised.

6.6 Delegations Policy and Statutory Delegation Review August 2024

Meeting:	Whangarei District Council
Date of meeting:	29 August 2024
Reporting officer:	Georgina Ellis (Business Integrity Administrator) Emily Thompson (Manager Democracy and Assurance) Charlotte Sutton (Legal Counsel)

1 Purpose / Te Kaupapa

To adopt the reviewed and revised Delegations Policy and Statutory Delegations Register.

2 Recommendations / Whakataunga

That the Council:

1. Rescind all previous statutory delegations contained within the Delegations Register adopted on 29 November 2020 and subsequent updates to that delegation register.
2. Adopt the updated Delegations Policy as provided in Attachment 1.
3. Adopt the reviewed and updated Delegations Register, for statutory delegations, as provided in Attachment 2.

3 Background / Horopaki

Delegations are a necessary operational requirement to achieve best use of the abilities of elected members and staff to promote efficient and effective decision-making. Delegations stops administrative delays and inefficiencies and provides clear written directions of responsibilities.

The Council approved Delegations Policy and Delegations Register is managed, maintained by the Democracy and Assurance Department. The register included both statutory and non-statutory delegations and is viewed by all council staff. All changes to the register are overseen and administered by the Delegations Triage Team in line with the approved delegation's policy.

The current delegation register and associated policy was adopted by Council on 29 November 2020.

As legislation and internal process have changed updates to specific delegations have been brought to Council as appropriate.

Best practice would expect a review of the full delegation register every 3-5 years. This is that review where the whole register is brought to Council for adoption. This report covers the Statutory register and the Non-statutory register is contained in another report to this meeting.

Whilst some delegations have been updated, or added, in line with the delegation policy since the last full review of the delegation register this was an opportunity to review the delegation register in full and ensure that it remains appropriate.

The delegations register provides appropriate roles with the required authority to make decisions within their operational duties. The Chief Executive is responsible for ensuring that all staff have the adequate skills and knowledge to perform these duties to required level, and that these are properly performed or executed.

This paper was presented at the 23 May Council meeting but was withdrawn and Council requested this was presented at a later scheduled Council meeting. The May report has been separated into two reports, the Statutory and Non-statutory delegations to allow a more focused approach on the category of the delegations.

Since the May Council meeting a staff have managed to complete a review on the District Plan department delegations and a review of the financial delegations within the RMA Consent department. These reviews have resulted in the following proposed changes to the information that was presented in May.

The additional proposed changes that have been included made since the May meeting:

- Providing Clarity on wording for a number of delegations relating to the District Plan and updating appropriate delegations to staff within the department for Statutory delegations.

These statutory delegation changes have been included in the updates reflected in attachment 2,

4 Discussion / Whakawhiti kōrero

The review has involved meeting with the majority of the Department Heads to examine all delegations held by staff in those departments. The delegations to staff within those departments have been reviewed and updated in line with changes to legislation and role titles.

Because of uncertainty around legislative change from Central Government, and changes to the provision of roading services, the following departments have not been included in the current review. The delegations within the following operational areas will be reviewed once changes are confirmed, and staff priorities allow. Any changes that arise as part of the review of these areas will be processed by the operational team via the delegation register change process and will be approved by appropriate parties as determined from the delegation policy.

- RMA Consents
- Water Services
- Waste and Drainage
- Roothing

The key outcomes of the statutory delegation register review are:

1. Delegations in the register have been reviewed, updated and revised to reflect and provide for:

- Changes in legislation, since the previous delegation register was adopted in 2020.
- Ensuring that delegations are fit for purpose to the role and responsibilities
- Maintenance of role names, departments, and groups
- Updates of conditions/notes, where appropriate

In addition to the review of the Delegation Register, the Delegation Policy has been reviewed.

Updates to the Delegation Policy include:

- Clarity around the application of Delegated Financial Authority
- Addition of a statement about one up approval
- Addition of clarifying wording related to clearing of Balances and contract progress payments

4.1 Financial/budget considerations

There are no financial/budget considerations as a result of the changes made to the policy or the changes made to the statutory delegation register.

4.2 Risks

Risks related to delegations are monitored via internal controls, the annual external audit and are included as topics for internal audits as required.

5 Significance and engagement / Te Hira me te Arawhiti

The decision 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 / Ngā Tāpiritanga

Attachment 1 Delegations Policy, marked up copy showing tracked changes

Attachment 2 – Delegations Register overview of changes

Under separate cover – available on council's website

Attachment 3 Delegations Register – Statutory for adoption

Whangarei District Council

Delegations Policy

Policy 150

Policy title			
Audience (Primary)	Internal	Business Owner (Dept)	Democracy and Assurance
Policy Author	Risk and Audit Analyst	Review Date	November 2021

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Introduction

Purpose

This document outlines Whangarei District Council's Policy on Delegations. This document should be read in conjunction with Council's delegations register. [Delegation Register on Kete](#)

Definition of Delegation

Delegated authority is how Council sets out its policy on what functions, duties and powers that it must, or wishes to retain responsibility for and those that it wishes to delegate.

The powers, functions and duties of a council are prescribed either expressly or implicitly by and through various Government Acts and Regulations. The legislation gives different powers, functions and duties to the elected Council, the Chief Executive (CE) as well as specific officers in certain instances.

Delegation is the conveying of a duty or power to act to another person or entity, including the authority that the person or entity making the decision would themselves have had in carrying out that duty or exercising that power.

Purpose of Delegation

To support administrative efficiency and expediency in the conducting of its day-to-day business, Council delegates certain statutory duties, responsibilities and powers to its standing committees, subcommittees, elected members or staff (the delegated person or entity).

These delegations are a necessary operational requirement to achieve best use of the abilities of elected members and staff to promote efficient and effective decision-making. Delegations seek to avoid administrative delays and inefficiencies that might otherwise occur if all matters had to be referred to Council every time a decision needs to be made.

A power merely to hear evidence or consider a proposal is not a delegation and is not therefore generally included in the delegation register.

The delegated person or entity generally has the authority to hear any matter within their jurisdiction and submit a report or recommendation to a higher authority, unless that is prohibited by law.

The Legal Basis

The delegations contained in the delegations' register are made in accordance with the Local Government Act 2002 ('the Act') as well as a range of other legislation that Council operates under. In most cases Council has the primary power of delegation, as it is this body that is specified in the empowering legislation. In some specific instances, the legislation empowers the Chief Executive directly and he/she will have the primary power of delegation.

Other statutes also confer or limit the ability for Council to delegate decision-making powers and duties. These are reflected in the delegations register.

General and Specific Delegations

A general delegation implies the granting of authority to determine a range of matters as and when they arise over time without further reference to the delegating body or person who made the delegation.

A specific delegation allows the granting of authority on a particular matter that is not covered by the general delegations. This delegation will apply only so long as that matter is unresolved and will then lapse. This must be recorded by a council or committee resolution or written authority from the CE.

Delegated Financial Authority (DFA)

Delegated Financial Authority (DFA) is one of the non-statutory powers delegated by Council to staff. By delegating to Managers and Team Leaders within the organisation Council supports the continuous operations of the organisation.

DFA's are to be enacted using one up approval.

Financial approval applies to the granting of contracts and including the procurements of services and goods under Council procurement policy. Staff DFA must be sufficient to cover the total cost of a supplier contract including any related or ongoing obligations such as maintenance.

It must be noted that some staff roles are provided with systems approval for financial processes within Council systems that are greater than their DFA. This is for administration of payments on contracts or services that have been approved, via one up approval at the appropriate level. This includes but is not limited to the role of Council Secretary who administers the decisions and financial approvals of Council within Councils financial system.

Delegations Approach

Where possible, Council delegates appropriate functions, duties and responsibilities to the Chief Executive. The Chief Executive can then further delegate these to specified appropriate staff positions. This approach allows Council's delegations to be managed more efficiently and effectively.

The Chief Executive is responsible for implementing the decisions of the Council and ensuring that all responsibilities, duties and powers delegated to him or her, or to any person employed by the Council, are properly performed or exercised. This includes those imposed or conferred by an Act, regulation or bylaw.

Best practice is to encourage the delegation of decision-making to the lowest competent level to best support the purpose of delegations.

Policy statements

1. The delegated person or entity is acting on behalf of Council when exercising delegated authority. Decisions made under this authority must be exercised in accordance with the law, and relevant policies and procedures.
2. No delegation relieves Council, an Elected Member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
3. Subject to any specified limitation, term or condition applied by the delegating body or person or by law, a delegated officer may exercise the power or authority delegated in the same manner and to the same effect as could the delegating body or person.
4. Council is bound by any decision made by a delegated person or entity, to the extent that the decision has already become binding on Council by the operation of law and therefore cannot be reversed.
5. While having the authority to act, the delegated person or entity has the right not to exercise that delegation and therefore not make a decision. In such instances, the delegated person or entity should discuss the matter with their manager or the delegating authority.
6. Should any delegated officer, having considered all the facts of the case, be unable to make a decision which complies with Council policy on any matter, the correct action is then to refer the matter to the Council if a decision cannot be made in compliance with any policy applying to the decision to be made.
7. The powers delegated to a person of entity are also delegated to all persons within Council direct reporting line between the CE and the person or entity. This does not apply where qualifications or competence required to exercise the delegation are required, or the exercising of the delegation is limited or prohibited by legislation.
8. A delegating authority may exercise their powers in relation to a delegation where no decision has yet been made by a delegated person or entity.
9. It is implicit that a delegation may be revoked at any time without notice.
10. If a delegated person or entity's decision is invalid it cannot be ratified by the delegating authority. The correct action is generally for the matter to be considered in full again by the delegated person or entity, assuming it is within their power to determine the matter.

11. Unless any delegation is expressed to be for a definable term, it shall continue until revoked by the delegating authority, or withdrawn in any way by operation of law.
12. Staff carrying out higher duties in a temporary acting capacity have the delegated powers, duties and responsibilities of the position in which they are acting, including the Acting Chief Executive.

Review

This policy and the associated delegations register will be reviewed every three years.

Adopted

This policy was adopted by council on:

Date of meeting: ~~29 November 2018~~

To be completed following approval by Council.

By: Whangarei District Council

Attachment - Delegation Register Changes - Overview

Purpose

To provide an overview of the changes made to the delegation register between November 2019 and August 2024. This is the outcome of the Statutory Delegation register review for consideration by Council at the 29 August 2024 Council Meeting.

This attachment is to be read in conjunction with the Delegation Policy and Statutory Delegation Review August 2024 Council Report.

Overview

The statutory delegation register currently contains 563 delegations from Legislation, that Council delegate to staff within the organisation to ensure continuity of operational activities.

Of these 563 delegations there a total of 148 changes made or recommended to the register.

Of the 148 changes 130 of these are related to changes in Role titles, Changes in role's departments or creation of new roles with departments. These are operational changes that are made in line with changes to the organisation.

There are ten delegations that have been changed, which are detailed in the table below.

Reference	Related Act	Delegation Wording	New Delegation Wording	Changes
257	Building Act 2004	Power to lapse a building consent	Power in relation to lapse of a building consent	Wording updated for clarification
292	Building Act 2004 (Was Fencing and swimming pools Act)	Power to assess compliance with Fencing of Swimming Pools Act 1987 or Building Act 2004	Power to inspect and assess compliance of residential pools	Amalgamated to include inspection (Ref 293) and remove reference to Fencing is Swimming Pools Act which is now part of the Building Act.
1019	Building Act 2004	Power to refusal to issue a code of compliance certificate Sections 95A	Power to refusal to issue a code of compliance certificate Sections 91 to 94, 95A	Addition of reference to relevant sections to provide clarity on the context in which a refusal may be made.
270	Building Act 2004	Power to refuse application for Certificate of acceptance. Section 99A	Power to refuse application for Certificate of acceptance. Sections 96,98 and 99A	Addition of reference to relevant sections to provide clarity on the context in which a refusal may be made.

Reference	Related Act	Delegation Wording	New Delegation Wording	Changes
1020	Building Act 2004	Power to withhold certificate of acceptance Section 99AA	Power to withhold certificate of acceptance Sections 96,98,99,99AA	Addition of reference to relevant sections to provide clarity on the context in which a refusal may be made.
341	Civil Aviation Act 1990 (Was Public Places Bylaw 2014)	The power to issue consent to operate Remotely Piloted Aircraft Systems (RPAS) over/on land owned or controlled by Council	The power to issue consent to operate Remotely Piloted Aircraft Systems (RPAS) over/on land owned or controlled by Council	Replaced - Public Places Bylaw with Civil Aviation rules (Part 101 Gyrogliders and Parasails, Unmanned Aircraft (Including Balloons, Kites, and Rockets Operating Rules).Ref 302 provides for this power under the bylaw.
316	Dog Control Act 1996	To allow an owner to dispose of a dangerous dog to another person. Section 32(1)(f)	To allow an owner to dispose of a dangerous dog to another person. Section 32(1)(f), 33	Added reference to Section 33. This reflects factors that must be considered in making a decision under 32(1)(f)
390	Health Act 1956	To Issue cleansing orders	To issue and serve cleansing orders	Reworded for clarity and to amalgamate with ref 391.
394	Health Act 1956	To Issue repair notices and closing orders	To receive and issue certificates, issue and serve repair notices and closing orders.	Amalgamated previous reference 394, 392,393, 395 into one delegation under Section 42 of the Health Act 1956.
355	Health Act 1956	To allow staff to service notices and to hear submissions made by the recipient of such notices.	To allow staff to serve notices, revoke registrations and to hear submissions made by the recipient of such notices	Amalgamated with Ref 385, as delegations are almost identical. Ensuring the retained delegation include the ability to revoke registrations.

In Addition to the ten changes above, there are eight delegations which have been flagged for removal from the statutory delegation register due to being amalgamated (and referenced above) or being obsolete due to legislation changes. These are not included in the Delegation Register document as they have been removed.

Reference	Related Act	Delegation Wording	New Delegation Wording	Changes
293	Building Act 2004	Power to inspect swimming pools	N/A	REMOVED - incorporated into ref 292

Reference	Related Act	Delegation Wording	New Delegation Wording	Changes
317	Dog Control Act 1996	Consent to dispose of a dangerous Dog	N/A	REMOVED – consolidated into Ref 316 with the additional reference to section 33 above.
391	Health Act 1956	To Serve cleaning orders	N/A	REMOVED – consolidated into ref 390
392	Health Act 1956	To issue a certificate to the local authority to the effect that a dwelling house is unsanitary, etc.	N/A	REMOVED - Consolidated into Ref 394
393	Health Act 1956	To receive and serve a certificate.	N/A	REMOVED - Consolidated into Ref 394
395	Health Act 1956	To serve a repair notice or closing order.	N/A	REMOVED - Consolidated into Ref 394
385	Health Act 1956	To allow staff to service notices, revoke registrations and to hear submissions made by the recipient of such notices.	N/A	REMOVED - Consolidated into Ref 355
400	Health Act 1956	All of its responsibilities, duties, and powers under these Regulation Food Hygiene Regulations 1974	N/A	REMOVED – Regulations were revoked in 2019. This delegation is obsolete.
401	Health Act 1956	To grant exemption from compliance with provisions of Schedule 1 of the regulations relating to premises in case of financial hardship Foor Hygiene Regulation 1974	N/A	REMOVED – Regulations were revoked in 2019. This delegation is obsolete

6.7 Financial Delegations for Emergency Operations Centre Roles August 2024

Meeting: Whangarei District Council
Date of meeting: 29 August 2024
Reporting officer: Georgina Ellis – Business Integrity Administrator
 Emily Thompson - Manager Democracy and Assurance
 Charlotte Sutton – Legal Council

1 Purpose / Te Kaupapa

To adopt the delegated financial authority (DFA) for Coordinated Incident Management Systems (CIMS) function managers and the Civil Defence Emergency Management specialist role, that were approved at a Community Development Committee held 20 April 2023

2 Recommendations / Whakataunga

That the Council:

1. Notes the recommendation made by the Community Development Committee on 20 April 2023 in relation to financial delegations for Coordinated Incident Management System Managers (CIMS).

AND

2. Approves Delegates Financial Authority to spend up to \$20,000 to the following Emergency Operations Centre CIMS Managers:
 - a. Logistics Planning Manager
 - b. Intelligence Manager
 - c. Public Information manager
 - d. Welfare Manager
 - e. Operational Manager
 - f. Response Manager.

AND

3. Approves the change in Delegation Financial Authority from \$2,000 to \$20,000 for the Civil Defence Emergency Management Specialist role.

AND

4. Notes these delegations will only come into effect upon activation of the Emergency Operations Centre(EOC).

3 Background / Horopaki

On the 20 April 2023, an agenda item was submitted to the Community Development Committee seeking DFA for the roles within the CIMS structure and The Civil Defence Emergency Management. All three recommendations were Carried by the committee. The value recommended to the committee, for the roles listed in the agenda was \$20,000. The current Council delegation register does not have a \$20,000 delegation.

4 Discussion / Whakawhiti kōrero

The Community Development Committee carried the motion on 20 April 2023, to approve a \$20,000 DFA to roles held by the Coordinated Incident Management Systems (CIMS) Managers and the Civil Defence Emergency Management Specialist. Approval was also granted to have the roles added to the Delegation Register.

The Committee does not have the authority to make this delegation to staff. Therefore this decision has come to Council, and the resolution of the Community Development Committee is evidence of the support for this delegation to be approved.

The Civil Defence roles, and the Financial Authority value of \$20,000, approved by the Committee do not currently exist in the Delegation Register. Delegated Financial Authorities that are already in both the Delegations Register and the ICT systems that support Council's procurement process that are most closely aligned with this \$20,000 approval are \$25,000 or \$10,000.

Council needs to provide direct delegation for DFA's to roles and therefore need to determine how to delegate financial authority to Civil Defence Staff that will allow them to carry out operational tasks more efficiently and within short time frames during an emergency.

Given that the level of a DFA at \$20,000 does not exist within current systems there are three options available to Council.

The reason for providing the options that are different from the outcome of the decision by the community development committee is to minimise the administrative component for Staff. The proposals are to bring the DFA level in line with current DFA levels that exist within the current delegation register, and within internal systems that are used for procurement.

The options for Council to provide DFA to Civil Defence Staff are:

- a. Create a new DFA to spend for the value of \$20,000 and delegate this DFA to the approved roles.
- b. Increase the DFA value, as carried by the Community Development Committee, from \$20,000 to \$25,000, and delegate this DFA to the approved roles. This will align with the current values that are already in the associated systems.
- c. Decrease the DFA value, as recommended by the Community Development Committee, from \$20,000 to \$10,000, and delegate this DFA to the approved roles. This will align with the current values that are already in the associated systems. Although risks will arise due to the low value of this delegation, given the context in which this is expected to be used.

4.1 Financial/budget considerations

Making this change to the delegation register has minimal financial or budget considerations. There will be staff time to update systems to align to the recommendation that was resolved

by the Community Development Committee. The budget considerations will come into effect during an emergency event.

All Civil Defence costs are covered under a Council budget process by allocating costs to a specific cost centre. 87003. With each emergency event the cost centre will start with a zero balance and goes into a negative budget. All the purchase orders raised by staff within the Emergency Operations Centre are assigned to this cost centre.

All response costs can be tracked accurately, through this process. This tracking and approval process through the existing Council systems provide a consistent process for staff who step into these roles, it allows for transparency and audit traceability to ensure visibility of costs during and after an emergency event.

5 Significance and engagement / Te Hira me te Arawhiti

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 this agenda publication on the website.

6 Attachments / Ngā Tāpiritanga

- a. Financial Delegations for Emergency Operations Centre Roles Agenda report from the Community Development Committee on 20 April 2023
- b. Community Development Committee Meeting Minutes 20 April 2023

4.1 Financial Delegations for Emergency Operations Centre Roles

Meeting: Community Development Committee
Date of meeting: 20 April 2023
Reporting officer: Victoria Harwood, General Manager Community

1 Purpose / Te Kaupapa

To increase the financial delegated authority (FDA) for the Coordinated Incident Management systems (CIMS) function managers in the council Emergency Operations Centre (EOC) to enable a swifter response to resource needs during an emergency.

2 Recommendations / Whakataunga

That the Community Development Committee:

1. Approve the Delegated Financial Authority of \$20,000 for the Emergency Operations Centre Coordinated Incident Management System (CIMS) managers. This includes the Logistics, Planning, Intelligence, Public Information, Welfare, Operations and Response Manager upon activation of the Emergency Operations Centre.
2. Approve an increase of the Delegated Financial Authority of the Civil Defence Emergency Management Specialist allocated to council through the shared service agreement with the Northland Regional Council from \$2,000 to \$20,000 while participating in an activation of the Emergency Operations Centre.
3. Endorses the addition of the roles and increased Financial Delegated Authority and amounts to the delegation's manual.

3 Background / Horopaki

The Whangarei District Council's Emergency Operations Centre has been activated twice this year due to an impending red warning weather event on Anniversary weekend and again prior to and during Cyclone Gabrielle. The scale of Cyclone Gabrielle and the impact on communities required resources and support to be provided to several communities during the response phase and support of council staff responding in the Emergency Operations Centre in Council Chambers, Forum North.

CIMS function manager roles within the Emergency Operations Centre could carry out their tasks more efficiently and timely if they have delegated financial authority while in the role. The DFA's being addressed for the EOC are delegations assigned to a specific CDEM role, which is separate to staff business as usual roles. Staff have been selected to be in EOC management positions and are deemed skilled and capable for their roles and the associated DFA responsibilities.

4 Discussion / Whakawhiti kōrero

The local Controllers have a DFA while active in their role of \$500,000. To support processes within the Emergency Operations Centre, the workload of the controller and to enable CIMS function managers to follow the controller's directives, these DFA's will speed up the response processes. This also will allow for peer review and approval of all purchase orders raised during an emergency in a busy and high paced environment without all going directly for approval by the controller, which can be delayed due to controller responsibilities.

4.1 Financial/budget considerations

All budget used to support a response comes from the allocated cost centre 87003, this starts at a zero balance and goes into a negative budget. All response costs can then be tracked accurately. All purchase orders raised by staff within the Emergency Operations Centre are assigned to this cost centre. This also adds a layer of consistency and reduces the risk of costs not being accounted for so giving visibility of costs, who raised them and what for.

5 Significance and engagement / Te Hira me te Arawhiti

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 this agenda publication on the website.

Community Development Committee Meeting Minutes

Date: Thursday, 20 April, 2023
Time: 11:00 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance

Cr Carol Peters (Chairperson)
 Cr Gavin Benney
 His Worship the Mayor Vince Cocurullo
 Cr Nicholas Connop
 Cr Ken Couper
 Cr Jayne Golightly
 Cr Phil Halse
 Cr Deborah Harding
 Cr Patrick Holmes
 Cr Scott McKenzie
 Cr Marie Olsen
 Cr Simon Reid
 Cr Phoenix Ruka
 Cr Paul Yovich

Scribe C Brindle (Senior Democracy Adviser)

1. Declarations of Interest

No interests were declared.

2. Apologies / Kore Tae Mai

There were no apologies.

3. Confirmation of Minutes of Previous Community Development Committee Meeting / Whakatau Meneti

3.1 Minutes Community Development Committee Meeting held 16 March 2023

Moved By His Worship the Mayor

Seconded By Cr Jayne Golightly

That the minutes of the Community Development Committee meeting held on Thursday 16 March 2023, 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

4. Decision Reports / Whakatauripōata

4.1 Financial Delegations for Emergency Operations Centre Roles

Moved By Cr Gavin Benney

Seconded By Cr Deborah Harding

That the Committee:

1. Approve the Delegated Financial Authority of \$20,000 for the Emergency Operations Centre Coordinated Incident Management System (CIMS) managers. This includes the Logistics, Planning, Intelligence, Public Information, Welfare, Operations and Response Manager upon activation of the Emergency Operations Centre.
2. Approve an increase of the Delegated Financial Authority of the Civil Defence Emergency Management Specialist allocated to council through the shared service agreement with the Northland Regional Council from \$2,000 to \$20,000 while participating in an activation of the Emergency Operations Centre.
3. Endorses the addition of the roles and increased Financial Delegated Authority and amounts to the delegation's manual.

Carried

4.2 Old Library Roof Replacement Decision

Moved By Cr Scott McKenzie

Seconded By Cr Nicholas Connop

That the Community Development Committee:

1. Approves additional Capex project budget of \$342,000 (bringing the total project budget to (\$975,000) to progress the Old Library Roof replacement project.
2. Approves the necessary budget adjustments be made to the final 2023-24 Annual Plan to provide a total project budget of \$957,000.

On the motion being put Cr Reid called for a division:

	For	Against	Abstain
Cr Carol Peters	X		
Cr Gavin Benney	X		
His Worship the Mayor	X		
Cr Nicholas Connop	X		

Cr Ken Couper	X		
Cr Jayne Golightly		X	
Cr Phil Halse		X	
Cr Deborah Harding	X		
Cr Patrick Holmes		X	
Cr Scott McKenzie	X		
Cr Marie Olsen		X	
Cr Simon Reid		X	
Cr Phoenix Ruka	X		
Cr Paul Yovich		X	
Results	8	6	0

The motion was Carried (8 to 6)

5. Information Reports / Ngā Pūrongo Kōrero

5.1 Pensioner Housing Review and Business Case

Moved By Cr Carol Peters

Seconded By Cr Ken Couper

That the Community Development Committee:

1. Endorse the findings of the Pensioner Housing review.
2. Approve staff to investigate the establishment of a separate entity that could be registered as a Community Housing Provider (CHP).
3. Approve staff to investigate partnership and divestment opportunities with existing Community Housing Providers, for the full portfolio or individual villages that don't meet the needs of the Council's tenants.
4. Request staff report back to the Community Development Committee on the findings.

On the motion being put Cr Golightly called for a division:

	For	Against	Abstain
Cr Carol Peters	X		
Cr Gavin Benney	X		
His Worship the Mayor	X		
Cr Nicholas Connop	X		
Cr Ken Couper	X		

Cr Jayne Golightly	X
Cr Phil Halse	X
Cr Deborah Harding	X
Cr Patrick Holmes	X
Cr Scott McKenzie	X
Cr Marie Olsen	X
Cr Simon Reid	X
Cr Phoenix Ruka	X
Cr Paul Yovich	X
Results	14

0

0

**The motion was Carried (14 to 0)
Unanimous**

5.2 Operational Report - Community Group

Moved By His Worship the Mayor

Seconded By Cr Gavin Benney

That the Community Development Committee notes the operational report for April 2023.

Carried

7. Closure of Meeting / Te katinga o te Hui

Cr McKenzie closed the meeting at 12.07pm with a karakia/prayer.

Confirmed this 18th day of May 2023

Councillor Carol Peters (Chairperson)

6.8 Local Water Done Well Update – August 2024

Meeting: Whangarei District Council
Date of meeting: 29 August 2024
Reporting officer: Simon Weston – Chief Executive

1 Purpose / Te Kaupapa

To provide an overview of recent government policy decisions and key aspects of the Local Government Water Services Preliminary Arrangements information, as well as other matters that will be of interest to council.

To inform Council of preparatory work undertaken by staff for completion of Water Services Plans and options analysis for future service delivery vehicles.

This report has been provided to all the Northland Councils.

2 Recommendations / Whakataunga

That the Council:

1. Notes the report;
2. Notes updated information regarding the (Local Government Water Services Preliminary Arrangements) Bill.

3 Background / Horopaki

The Council at the 27 June 2024 Council Meeting was provided with a detailed update for Local Water Done Well (LWDW). This update provides a brief list of information released by the Department of Internal Affairs (DIA) in August 2024 and progress with Northland investigations.

It is expected that the Water Services Preliminary Arrangements Bill (Bill 2) will receive Royal Assent in August 2024, and this will be a significant milestone for Councils working towards LWDW documentation.

4 Discussion / Whakawhiti kōrero

Water Services Delivery Models (WSDP's)

The DIA have provided guidance for local authorities as part of the LWDW process, the 'Water Services Delivery Models: Guidance for local authorities, August 2024', see attachment 1. This document provides advice on minimum requirements in the following areas: -

- Will be subject to economic, environmental, quality regulation
- Will be subject to planning and accountability frameworks
- Must be financially sustainable
- Must act consistently with statutory objectives
- Will have restriction against privatisation
- Additional minimum requirements for Water Organisations (Council Controlled Organisation's) (CCO's)
- Additional requirements for Water Organisations owned by Consumer Trusts
- The legislation will provide for exemptions from certain requirements on application.

The service delivery models fall into two main groups – 'In-house Business Unit', and 'Water Organisations (CCO's)'. The DIA information presents the spectrum of service delivery models in 5 categories.

The five broad categories (shown below) are a spectrum ranging from an internal business unit through to a consumer owned trust. Each delivery model has its own arrangements for ownership; governance; strategy; accountability; and borrowing. It should also be noted that these categories can be considered relatively broad, and it is likely that there will be a degree of flexibility for the actual structure of a service delivery vehicle. There are also options for long-term contracting (up to 50 years) for water services delivery.

- Internal business unit or division of Council (this is similar to our current service provision)
- Single Council-owned water organisation
- Multi Council-owned water organisation
- Mixed Council / Consumer Trust owned
- Consumer Trust owned

There is further information regarding governance and accountability covering: Constitutions and accountability framework; Statement of expectations and annual reporting; Water Service Strategy; Charging and borrowing and related matters.

Timeframes

DIA has provided an Implementation Roadmap commencing in July 2024 through to September 2026 (Attachment 2). The roadmap covers key dates for: -

- Legislation - Water Bills (Bill 2 and Bill 3)
- Council Water Services Delivery Arrangements
- Economic regulation
- Environmental regulation.

Key dates from the above: -

- Water Services Preliminary Arrangements (Bill 2 to be enacted August 2024)
- Local Government Water Services Bill (Bill 3 enacted mid-2025)
- DIA support for Councils to populate WSDP template (Sep-Nov 2024)
- Council's develop Water Services Delivery Plans and submit to DIA (Aug-Nov 2025)

The DIA website on the 'Future water services delivery system', link to website here, [Water Services Policy Future Delivery System - dia.govt.nz](https://www.dia.govt.nz/water-services-policy-future-delivery-system), also includes detailed information regarding: -

- Financing for Councils and water organisations
- Planning and accountability for local government and water services
- Future arrangements for stormwater
- Economic regulation and consumer protection

- Drinking water quality regulation
- Standards to help reduce water infrastructure costs.

5 Northland Councils Investigations

The Three Northland TLA's and the Northland Regional Council are working collectively to provide options for Councils, in addition to the status-quo option.

Staff are identifying options utilising the Treasuries Better Business Case Framework. The Investment Logic Map (ILM) is based on:-

- Emphasis on meeting current and future legislation, levels of service. Community expectations and growth.
- WDC currently financially sustainable to meet current legislative requirements over the 10-year LTP forecast.
- Uncertainty about the risk enhanced regulatory requirements will have for the programme and affordability
- Desire for continuous improvement and asset management practices, and internal and external capability
- Potential for perceived disbenefit to WDC / ratepayers arising from regional aggregation.

Preliminary analysis suggests there are at least 10 draft service delivery models for Multi Criteria Analysis (MCA) examination. This work will be presented to council via a briefing as it matures. It should be recognised that this is early optioneering and the complete picture will not be available until the Water Services Delivery Plans (WSDPs) are underway. The templates for these plans will be available soon, with provision to DIA in August-November 2025.

Regional connectivity is through the Northland Chief Executive Forum and the Mayoral Forum working collectively under the direction from each Council.

6 Significance and engagement / Te Hira me te Arawhiti

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.

7 Attachments / Ngā Tāpiritanga

1. Water Services Delivery Models: Guidance for local authorities, August 2024
2. LWDW – Implementation Roadmap – August 2024
3. DIA Website link here [Water Services Policy Future Delivery System - dia.govt.nz](https://www.dia.govt.nz/water-services-policy-future-delivery-system)

Water services delivery models: Guidance for local authorities

LOCAL WATER DONE WELL

August 2024

Introduction

Background

A key feature of Local Water Done Well is providing councils with the flexibility to determine the optimal structure and delivery method for their water services. To support this, the Government is progressing legislation to expand the range of local government water service providers by enabling the establishment of new, financially separate water organisations.

These new water organisations are intended to enable enhanced access to long-term borrowing for water infrastructure – supporting infrastructure development, while managing costs for consumers.

Councils will continue to be able to deliver water services directly (such as through inhouse business units), however they will also be able to establish new water organisations that are more financially and operationally independent of councils.

These models also make it easier for councils who wish to enter joint arrangements to achieve cost savings, improve efficiency and affordability.

Councils will be able to design their own alternative delivery arrangements, as long as these arrangements meet the minimum requirements set out in legislation.

Councils will also have choices about which water services are provided through different service delivery arrangements. For example, they may wish to provide drinking water and wastewater services through a water organisation but retain stormwater services in-house.

This guidance document

This guidance document focuses on the service delivery models and arrangements that will be available to local authorities to deliver water services. It provides further detail on proposals to expand the range of service delivery models available to councils, including by providing for new, financially separate water organisations that councils (and consumer trusts) can own.

In this guidance, the term '**water services provider**' means all forms of local government provider, and including councils that continue with direct (in-house) delivery as well as new water organisations. The term '**water organisation**' refers only to separate organisations that councils may establish to provide water services and does not include councils with direct (in-house) delivery.

This guidance document has five sections:

- Section 1: Minimum requirements of all water services providers and requirements for specific delivery models
- Section 2: Service delivery models available to councils
- Section 3: Governance and accountability arrangements
- Section 4: Financing and credit rating implications
- Section 5: Other powers and authorities available to water organisations.

This guidance document aims to help inform local authorities on service delivery models. It should be read alongside other Local Water Done Well information. The guidance is informed by policy decisions that were announced by the Minister of Local Government in August 2024, and therefore are still subject to change through the Parliamentary process when the Local Government Water Services Bill is introduced to Parliament in December 2024.

More detailed information can also be found in the associated Cabinet papers that have been proactively released on the Department of Internal Affairs' website.

For further information about Local Water Done Well, visit www.dia.govt.nz/Water-Services-Policy-and-Legislation

Questions? Contact waterservices@dia.govt.nz

01 Minimum requirements

Minimum requirements for all service delivery models

The legislation will look to establish a framework for water services delivery that includes:

- a set of minimum requirements that apply to water service providers
- additional legislative requirements that apply to water organisations, focusing on the ownership, governance and structural arrangements for these organisations, and
- further provisions that would apply only to consumer trust-owned (and mixed council/trust owned) water organisations.

Regardless of the model chosen, all water service providers must meet minimum requirements set out in the legislation.

These minimum requirements are designed to promote efficiency, improve the governance and management of financially sustainable water services, and ensure accountability within the sector.

The requirements will likely include that all water services providers:



Will be subject to economic, environmental and water quality regulation – further information on economic, environmental and water quality regulation is available in the related factsheets: Economic regulation of water services (refer to the economic regulation factsheet for more information), Drinking water quality regulation, and Standards to help reduce water infrastructure costs.



Will be subject to a new planning and accountability framework for water services, including the need to produce stand-alone financial statements for water supply, wastewater, and stormwater – further information outlined in the factsheet: Planning and accountability for local government water services.



Must be financially sustainable – legislation will include an enduring objective for water service providers to be financially sustainable, including a requirement for the ringfencing of water services, an expectation of revenue sufficiency, and accommodating for maintenance, renewals and growth.



Must act consistently with statutory objectives – legislation will set out a list of statutory objectives that will apply to all water service providers. There will also be several additional statutory objectives that apply to water organisations.



Will be subject to restrictions against privatisation – legislation will include prohibitions on losing control, selling or disposing of significant infrastructure. Further, water services assets cannot be used as security.

Additional requirements for water organisations

In addition to the minimum requirements that apply to all water services providers, the legislation will also look to include additional requirements that apply to water organisations – affecting their ownership, governance, and structural arrangements.

These requirements will apply to all water organisations, including any existing council-controlled organisations and council-controlled trading organisations that deliver water services.

These features are not relevant where councils continue with direct service delivery.

The following additional requirements apply to water organisations:



Current council staff and elected members cannot be appointed to boards.



Water organisations **must be companies**.



Activities of water organisations will be **limited to the provision of water services** and directly-related activities.



Only councils or consumer trusts can be shareholders of a water organisation.



Board appointments must be competency-based and have the appropriate mix of skills, knowledge, and experience.



There will be a range of protections against privatisation.

Requirements for trust-owned water organisations

Water organisations that involve consumer trusts as owners will require additional provisions to ensure that ownership interests cannot be transferred.

This option requires significant controls on the consumer trust as it would have the effective control of water services and assets.

Legislation will set out bespoke requirements that apply to consumer trust-owned (and mixed council/trust-owned) water organisations, to ensure alignment with requirements that apply to councils through other legislation.

For water organisations that involve consumer trusts:



Consumer trusts must **represent consumers** and their interests.



Consumer trusts will be responsible for **appointing and removing Boards and overseeing their performance**.



Trust deeds must include **restrictions on transfer of shares**.



Trustees must be **elected by consumers**. Trustees are responsible for appointing, monitoring, and removing Board members (subject to competency and independence requirements), as well as approving or issuing a statement of expectations (depending on mixed or full ownership).



Consumer trusts will have to **comply with all requirements in legislation** or general law relating to trusts, such as having a trust deed.



Consumer trusts may be a **minority or majority shareholder** of a water organisation with territorial authorities, or it may own 100% of the shares.



Trusts will be **restricted from modifying the objects in its trust deed** or selling its shareholding, except to another territorial authority or consumer trust shareholder of another water organisation.

Protections against privatisation

Under Local Water Done Well, the Government has committed that water services will remain in public ownership.

Councils and water organisations will not be able to privatise water services.

Legislation will likely include the following statutory protections:

- Only local authorities and/or consumer trusts will be permitted to own shares in a water organisation.
- Provisions that prevent:
 - water infrastructure assets from being used as security for any purpose
 - divestment of ownership or other interest in a water service except to another local government organisation or water organisation, and
 - loss of control of, sale, or other form of disposal of the significant infrastructure necessary for providing water services in its region or district, unless, in doing so, the local authority or water organisation retains its capacity to meet its obligations
- Shares in water organisations cannot give any right, title or interest in the assets, security, debts, or liabilities of the entity, and would not be able to be sold or transferred.
- Water organisations that involve consumer trusts will require additional provisions to ensure ownership interests cannot be transferred.

Exemptions from certain requirements

Exemptions can be considered on a case-by-case basis

The Government has agreed to enable exemptions from certain requirements. This will provide councils with the flexibility to identify and establish the delivery arrangements that work best for them. The exemptions framework acknowledges that there may be certain circumstances where there may be justification in waiving certain requirements.

Legislation will include a process where councils can apply for exemptions to the following requirements, on a case-by-case basis:

- water organisations must be companies
- activities of water organisations will be limited to the provision of water services, and directly-related activities, and
- only councils or consumer trusts can be shareholders of a water organisation, while noting that the legislation will look to ensure that no form of privatisation is permitted.

Councils who wish to apply for exemptions from the above requirements will be required to submit applications to the Secretary for Local Government, who will assess the application and provide advice to the Minister of Local Government. Exemption approvals would be granted through an Order in Council, on the recommendation of the Minister of Local Government.

Applications for exemptions must meet certain conditions

Exemptions will only be granted where the council's proposal for water services:

- meets the legislative objectives of Local Water Done Well
- maintains the core requirements that are non-negotiable bottom lines for all water organisations, including that the proposal does not involve any form of privatisation
- will provide water services that are financially sustainable, and
- satisfy the Minister of Local Government that the financial sustainability of water services would be put at greater risk if the exemption was not granted.

02

Service delivery models

Councils can choose from a range of service delivery models

The choices available to councils include:

- whether to deliver water services in-house or establish a water organisation
- whether to deliver services on a stand-alone basis or establish a joint arrangement with other councils
- how to structure ownership and governance arrangements for any water organisation, and
- how to set up water organisations to facilitate access to long-term borrowing for water infrastructure

Councils that already deliver water services via a council-controlled organisation or council-controlled trading organisation will be able to continue to use these arrangements. However, the council-controlled organisation or council-controlled trading organisation will be subject to all of the new statutory requirements that will apply to water organisations and changes are likely to be required to meet these requirements. Councils will be able to design their own alternative delivery arrangements, as long as these arrangements meet the requirements for water service providers.

This guidance provides further detail on the following illustrative examples outlined below. Other delivery models are permissible provided they meet certain minimum requirements or if a council obtains an exemption.

Illustrative examples of service delivery models

	In house business unit	Water organisations			
Ownership variations	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> Not applicable <small>Structure is part of council</small> </div>	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> Single council owned </div>	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> Multi-council owned </div>	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> Mixed council/ consumer trust owned </div>	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> Consumer trust owned </div>
Council financial support	1	2	3	4	5
	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> Not applicable <small>Structure is part of council</small> </div>	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> Council provides support <small>(eg guarantees or uncalled capital)</small> </div>		<div style="border: 1px solid black; border-radius: 10px; padding: 5px; text-align: center;"> No council financial support </div>	

Overview of service delivery models

1	Internal business unit or division	<ul style="list-style-type: none"> • Status quo for many councils • Minimum requirements for water service providers will apply • New financial sustainability, ringfencing rules, and economic regulation will apply
2	Single council-owned water organisation	<ul style="list-style-type: none"> • New company established, 100% owned by the council • Financial sustainability rules will apply, but retains a financial link to the council • Councils with existing water council-controlled organisations will be required to meet minimum requirements
3	Multi-council owned water organisation	<ul style="list-style-type: none"> • New company established with multi-council ownership • Appointment of a Board through shareholder council (or similar body) is advisable but not a statutory requirement • Option to access Local Government Funding Agency finance with the provision of parent support or to create a more financially independent organisation
4	Mixed council/consumer trust owned	<ul style="list-style-type: none"> • Consumer trust established to own majority of shares • Mixed ownership, with one or more councils owning minority of shares • Structure enables financially independent organisation to be established while retaining minority council ownership
5	Consumer Trust owned	<ul style="list-style-type: none"> • Council transfers assets to consumer trust owned organisation • Consumers elect trustees to represent their interests in the organisation • Most financially independent of the available models

1. Internal business unit or division

Under this option, water services would be delivered directly by the council 'inhouse' through an internal business unit or division, with planning and budgeting integrated into council planning and budgeting processes. This option will be subject to new ring-fencing and financial sustainability requirements, and economic regulation.

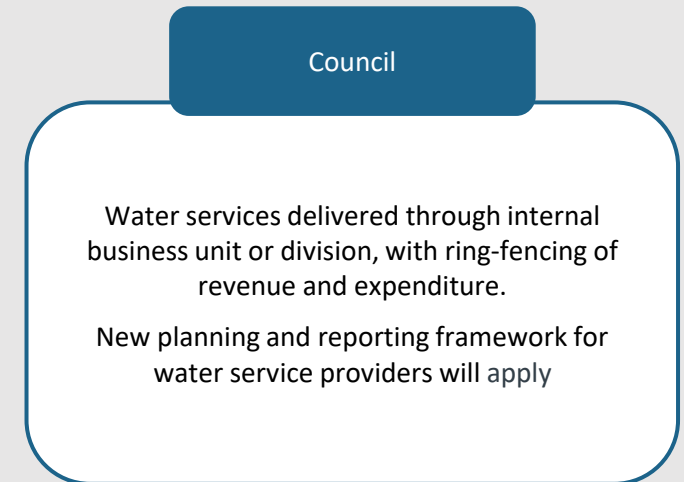
This option represents a continuation of the existing inhouse service delivery model used by many councils.

Revenue continues to be generated through a combination of general and targeted rates and financial/development contributions.

Water service delivery is fully integrated into council strategy, planning, and service delivery.

Key features	
Ownership	<ul style="list-style-type: none"> • 100% council owned as a business unit or division within the organisation • No new organisation is established
Governance	<ul style="list-style-type: none"> • Internal business unit or division responsible to the elected council members, with other usual council governance oversight
Strategy	<ul style="list-style-type: none"> • Councils will need to prepare a Water Services Strategy
Accountability	<ul style="list-style-type: none"> • Water division reports to council per established internal processes • Water service delivery will be accountable to the public through usual local democracy practices • Water-focused annual report and stand-alone financial statements on water will be completed to enhance current requirements
Borrowing	<ul style="list-style-type: none"> • Borrowing undertaken by council with water activity groups meeting their share of financing costs (on internal and any external borrowing)

Illustrative example



2. Single council-owned water organisation

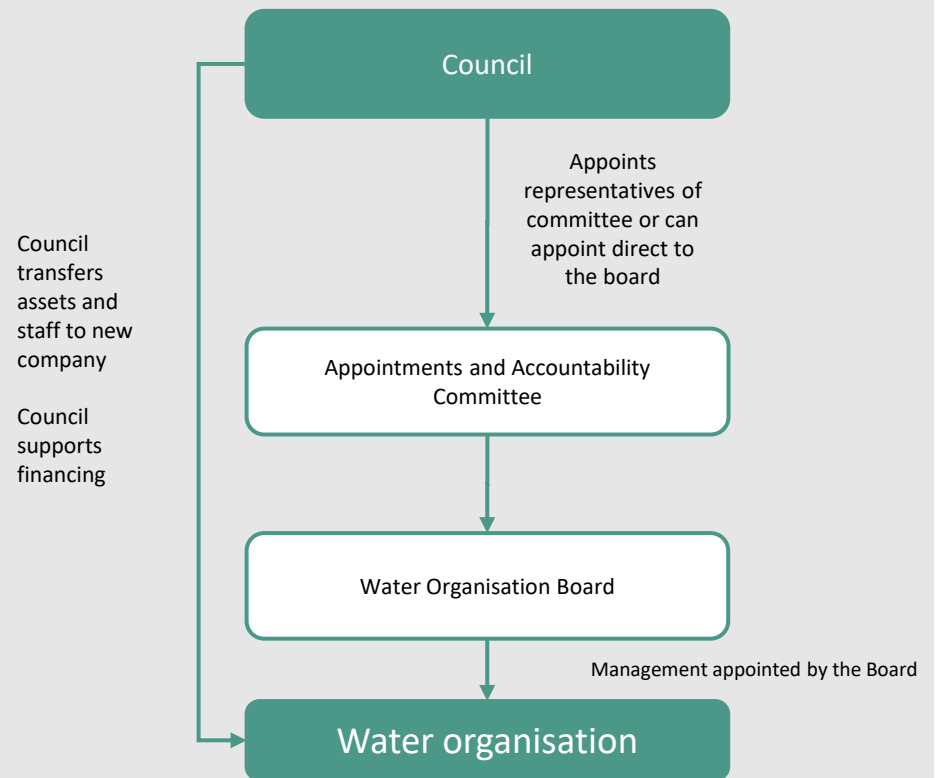
New company established to deliver water services, with ownership by a single council. Council can transfer or retain ownership of assets, subject to transfer of asset use rights.

The council has flexibility to design governance and appointment arrangements, including to consider whether and how they involve mana whenua, consumers or community representatives (for example via an appointments and accountability body). The council can also choose to appoint board members directly without roles for other groups.

The council would provide financing to the water organisation or provide financial support to enable it to borrow from Local Government Funding Agency

Key features	
Ownership	<ul style="list-style-type: none"> Limited liability company, 100% owned by the council Ownership rights spelled out in a constitution, subject to compliance with legislation
Governance	<ul style="list-style-type: none"> Appointments made directly or via an Appointments and Accountability Committee (or similar body) Board comprised of independent and professional directors
Strategy	<ul style="list-style-type: none"> Shareholding council issues Statement of Expectations Water organisation prepares Water Services Strategy and consults the council
Accountability	<ul style="list-style-type: none"> Water organisation reports regularly to shareholding council on performance (for example quarterly) Water organisation prepares annual report containing audited financial statements, including reporting on actual performance, and other matters outlined in the water services strategy. Water organisation required to act consistently with statutory objectives
Borrowing	<ul style="list-style-type: none"> Borrowing via council or from Local Government Funding Agency directly supported by council guarantee or uncalled capital

Illustrative example



3. Multi-council-owned water organisation

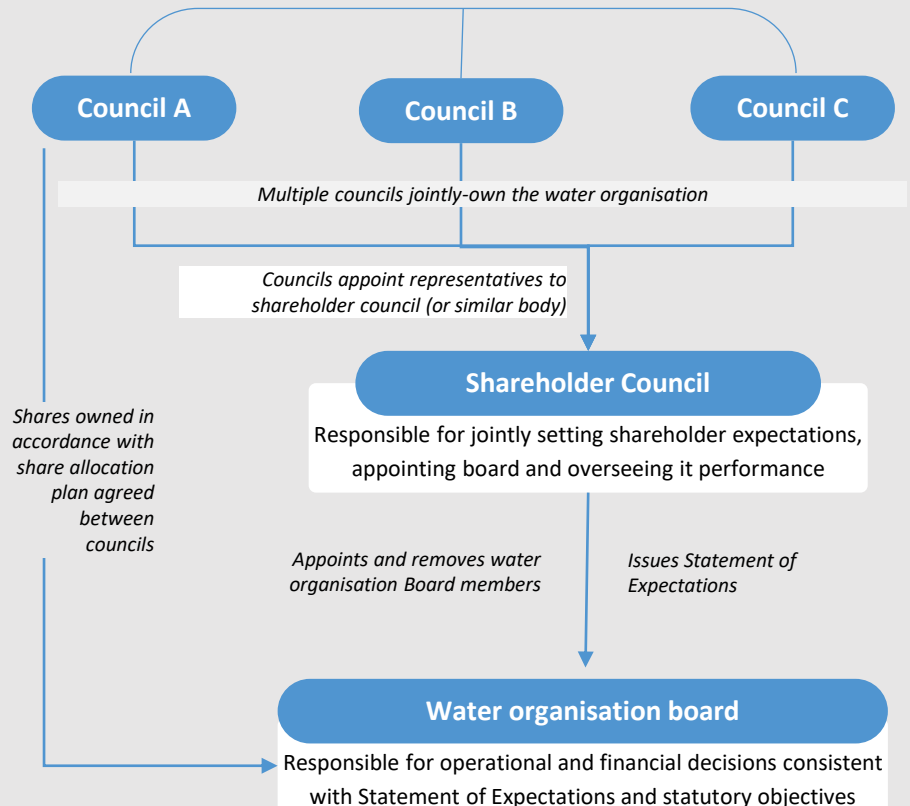
Under this option, three or more councils would establish a jointly-owned water organisation.

Councils will have flexibility to establish shareholder rights and interests through a company constitution and/or shareholder agreement, subject to compliance with the legislation.

Financing options and credit rating impacts will be dependent on whether shareholding councils choose to provide financial support or not.

Key features	
Ownership	<ul style="list-style-type: none"> Limited liability company owned by three or more councils Ownership arrangements and rights set out in a constitution and/or shareholder agreement, subject to compliance with the legislation
Governance	<ul style="list-style-type: none"> Councils agree how to appoint and remove directors, for example through a shareholder council or similar Board comprised of independent and professional directors
Strategy	<ul style="list-style-type: none"> Shareholding councils agree the process for issuing a combined Statement of Expectations Water organisation prepares Water Services Strategy and consults shareholding councils
Accountability	<ul style="list-style-type: none"> Water organisation reports regularly to shareholding councils on performance (for example quarterly) Water organisation prepares annual report containing audited financial statements, including reporting on actual performance and other matters outlined in the Water Services Strategy. Water organisation required to act consistently with statutory objectives
Borrowing	<ul style="list-style-type: none"> Borrowing arrangements and credit rating implications dependent on whether shareholding councils provide financial support

Illustrative example:



4. Mixed council/consumer trust owned water organisation

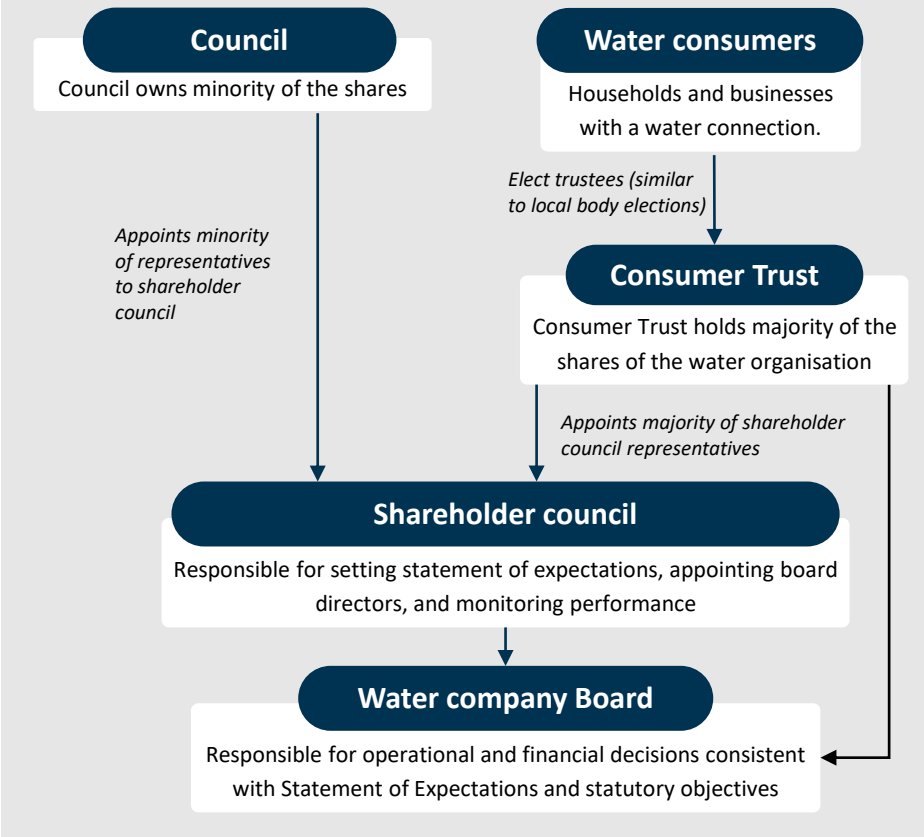
Under this option, one or more councils would establish a jointly-owned water organisation with a consumer trust holding a majority stake.

Councils will have flexibility to establish shareholder rights and interests through a company constitution and/or shareholder agreement upon establishment, subject to compliance with the legislation.

Water consumers elect trustees to the Consumer Trust. That consumer trust is then represented on the shareholder council (along with council representatives) and/or appoints board members directly. Certain restrictions apply to Consumer Trust to protect against privatisation.

Key features	
Ownership	<ul style="list-style-type: none"> Limited liability company owned by one or more councils with consumer trust majority ownership Ownership arrangements and rights set out in constitution and/or shareholder agreement, subject to compliance with legislation
Governance	<ul style="list-style-type: none"> Councils and consumer trust appoint a shareholder council to appoint directors Water organisation governed by independent, professional board of directors
Strategy	<ul style="list-style-type: none"> Shareholders agree the process for issuing a combined Statement of Expectations Water organisation prepare Water Services Strategy and consults shareholders
Accountability	<ul style="list-style-type: none"> Water organisation reports regularly to shareholders on performance (for example quarterly) Water organisation prepares annual report containing audited financial statements, including reporting on actual performance and other matters outlined in the water services strategy. Water organisation required to act consistently with statutory objectives
Borrowing	<ul style="list-style-type: none"> Borrowing would be independent of local authorities (for example banks) and subject to water organisation achieving sufficient credit-quality and track record

Illustrative example:



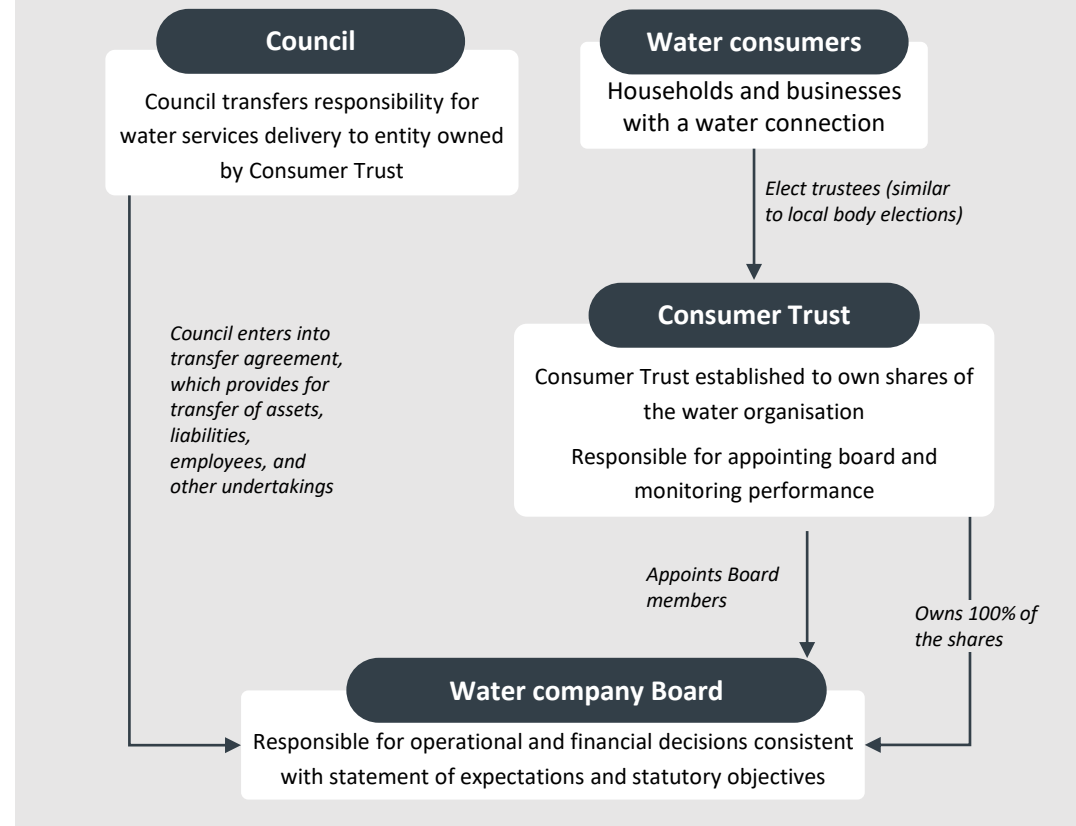
5. Consumer trust owned water organisation

Under this option, one or more councils would establish a wholly consumer trust-owned water organisation, and transfer water assets and responsibility for water services delivery to it.

The council would have no ongoing involvement, as the company board is wholly appointed through the Consumer Trust. Water consumers elect trustees to the Consumer Trust, similar to local body elections.

Key features	
Ownership	<ul style="list-style-type: none"> Limited liability company solely owned by a newly established consumer trust Trust deed is subject to certain minimum requirements to protect against privatisation
Governance	<ul style="list-style-type: none"> Trustees appoints company directors Water organisation governed by independent, professional board of directors
Strategy	<ul style="list-style-type: none"> Trustees issue Statement of Expectations Water organisation prepares Water Services Strategy
Accountability	<ul style="list-style-type: none"> Water organisation reports regularly to trustees and consumers on performance (for example quarterly) Water organisation prepares annual report containing audited financial statements Water organisation required to act consistently with statutory objectives
Borrowing	<ul style="list-style-type: none"> Borrowing would be independent of local authorities (for example banks) and subject to water organisation achieving sufficient credit-quality and track record

Illustrative example:



Summary of features of service delivery models

	1. Internal business unit or division	2. Council-owned water organisation	3. Multi-council-owned water organisation	4. Mixed ownership/ consumer trust owned water organisation	5. Consumer Trust owned water organisation
Ownership	Wholly council-owned as a business unit or division	Wholly council-owned as a separate water services organisation	Ownership shared across three or more councils	Consumer trust owns majority stake in water organisation, with one or more council	Wholly-owned by consumer trust as a separate water organisation
Governance	Internal business unit or division, responsible to Council through established mechanisms under Local Government Act 2002	Councils (and potentially other groups) appoint Appointments and Accountability committee (or can appoint board directly). Council or committee oversee board performance	Councils appoint members to a Shareholder Council, which appoints Board and oversees performance	Councils and trustees appoint a shareholder council to appoint directors	Trustees appoint directors and oversees performance
Strategy	Councils must prepare Water Services Strategy	Parent council issues Statement of Expectations. Water organisation prepares Water Services Strategy.	Shareholders agree process for issuing combined Statement of Expectations. Water organisation prepares Water Services Strategy	Shareholders agree process for issuing combined Statement of Expectations. Water organisation prepares Water Services Strategy	Trustees issue Statement of Expectations. Water organisation prepares Water Services Strategy
Accountability	Water-focused annual reports and financial statements	Reports to owners quarterly, prepares audited annual report, acts consistent with statutory objectives	Reports to owners quarterly, prepares audited annual report, acts consistent with statutory objectives	Reports to owners quarterly, prepares audited annual report, acts consistent with statutory objectives	Reports to owners quarterly, prepares audited annual report, acts consistent with statutory objectives
Borrowing	Council borrows, with water activity groups meeting their share of financing costs (on internal and external borrowing)	Borrowing via council or direct from Local Government Funding Agency with council financial support (guarantee or uncalled capital)	Borrowing direct from Local Government Funding Agency (with financial support from parent councils) or from banks	Borrows independently of local authorities, subject to water organisation achieving sufficient credit-quality and track record	Borrows independently of local authorities, subject to organisation achieving sufficient credit-quality and track record

Miscellaneous

Long-term contracting

Current arrangements under the Local Government Act 2002 enable local government organisations to enter contracts and joint local government arrangements with one another without restriction.

Legislation will ensure that water organisations are also considered to be local government organisations, with the maximum length of contracts to be extended to fifty years.

Extending the limit to fifty years may enable certain types of public-private partnerships, such as 'build, design and operate' contracts, for high capital expenditure assets. The development costs of the asset could be recovered over a longer period or match the economic life of the asset, which can lead to low costs per annum for providing this infrastructure.

Long-term contracting will be an option for all of the delivery models.

Local Government Official Information and Meetings Act 1987

Parts 1 to 7 of the Local Government Official Information and Meetings Act 1987 will apply to water all water service providers. All meetings would be open to the public except for commercially confidential matters or other matters specified in the Act.

Ombudsman

Water service providers would also be subject to the jurisdiction of the Ombudsman.

03 Governance and Accountability

Constitutions and accountability framework

Councils establish constitutions

While constitutions will not be required, they are good governance practice, and it is therefore expected that councils will establish constitutions for water organisations, with content requirements expected to include:

- minimum board size
- rights and process to appoint and remove Directors and Board members, and
- Board member requirements.

There are no restrictions on what can be included within a company constitution provided it meets the requirements of relevant legislation.

To ensure financial separation from councils is maintained, amendment of key features of the constitutions will require agreement by super-majority (75%) of shareholders.

Shareholder council (or similar body)

Shareholding councils may also wish to provide for the establishment of a shareholder council (or similar body) to represent council interests in the entity. This body would support the coordination of multiple council interests and could play a key role in developing shareholder expectations, appointing board directors and overseeing performance.

Establishment of a shareholder council (or similar body) is not a statutory requirement but is advisable to avoid multiple interfaces between the water organisation and its owners.

Members of a shareholder council could be appointed by councils and/or trustees of consumer trusts. Unlike boards, there would be no statutory restrictions on who could be appointed to a shareholder council. The process of appointing a shareholder council could be set out in a shareholder agreement.

Accountability framework

Legislation will provide for a new planning and accountability framework for water services comprising three core components:

- **Statement of Expectations** – to be prepared by shareholders or their representatives (such as shareholder’s council), setting out shareholders’ general expectations, strategic outcomes, and priorities, including any general guidance to the Board.
- **Water Services Strategy** – this is the primary strategy and planning document for the water organisation, and will set out its strategic priorities, how it will meet regulatory requirements, service standards and financial performance objectives, and will contain projected financial statements and its long-term infrastructure strategy
- **Annual report** – this is the primary accountability document, through which the water organisation is required to report on performance against expectations, service standards and financial performance objectives. The annual report must contain audited financial statements.

The requirements for a Water Services Strategy and Annual Report apply to all water services providers, including local authorities providing services through an internal business unit or division of council.

Statements of Expectations and annual reporting

Shareholders are required to prepare a statement of expectations

Shareholders must prepare a statement of expectations every three years. Any matters contained in the Statement of Expectations must support and align with the legislation and any applicable regulatory requirements.

Water organisations are required to give effect to this Statement, provided it is consistent with its purpose, the water organisation's statutory objectives and other applicable statutory requirements.

Where a water organisation is owned by multiple councils, councils will be responsible for agreeing a process for preparing a joint statement of expectations. This process will not be prescribed in legislation.

An example of this may be the water organisation choosing to prioritise investment in safe drinking water in several jurisdictions (driven by quality regulation) as a higher priority over another jurisdiction where the council would like to invest in wastewater assets.

The purpose of the Statement of Expectations will include:

- stating the expectations, priorities, and strategic direction for the water organisation, and
- informing and guiding the decisions and actions of the board of the water organisation.

Legislation will require the Statement of Expectations to include information on:

- shareholders expectations and strategic priorities for the water organisation
- outcomes the shareholders expect to be achieved through the delivery of water services, and
- any specific requirements and/or obligations that relate to Treaty settlements or other arrangements that are in place with local iwi.

The Statement of Expectations may also include other matters the shareholders may wish to include, including requirements relating to:

- performance expectations
- process for collecting and responding to customer feedback on an organisation's services, and
- community engagement on specific matters of interest.

Annual reporting

Legislation will require water services providers to prepare and adopt an annual report on water services within three months of the end of each financial year

The annual report would include similar content to council annual reports under the Local Government Act, such as:

- an audited statement comparing the capital expenditure budgeted with the amount spent
- an audited statement that compares the level of service achieved in relation to each water activity with the performance target(s) for the activity
- audited financial statements, including GAAP compliant standalone financial statements for each of water supply, wastewater and stormwater.

In addition, for water organisations, the constitution may specify additional reporting requirement for the company to deliver to the company's shareholders, for example quarterly or half-yearly reports on the company's operations.

Water Services Strategy

All providers must prepare a water services strategy

Legislation will include requirements for a Water Services Strategy, which would apply to all forms of water services provider. The purpose of the Water Services Strategy will likely include elements such as to:

- state publicly the activities and intentions of the water services provider, and the objectives and outcomes to which those activities will contribute
- provide transparency about the regulatory requirements and other expectations that apply to the provider (including for financial sustainability), how it proposes to meet those requirements and expectations, and the associated costs and levels of investment needed, and
- provide a basis for the accountability of the provider for its performance.

Process for approving

Strategies are prepared by local authorities or water organisations in accordance with the purpose and objectives set out in legislation (and needs to give effect to regulatory requirements and any statement of expectations)

Where service delivery is through a separate water organisation, shareholder council(s) and any other parties named in the constitution may comment on the draft Water Services Strategy, and the Board must consider these comments before preparing a final version

The Board must approve and deliver to shareholders a final Water Services Strategy before the first financial year to which it relates, and publish it on the council and water organisation websites

Information on water services will not be included in councils' long-term plans. All relevant strategy and planning information related to water services included in the strategy.

Contents of the strategy

Water services providers will prepare a Water Services Strategy every three years covering strategic, operational and financial planning information. This is likely to include matters such as:

- how it intends to give effect to the Statement of Expectations
- its objectives and outcomes, including performance targets and measures
- factors impacting the provider, including population, land use, costs
- the significant activities or work the provider proposes to undertake
- proposed levels of service, including planned changes
- the key risks affecting levels of service, revenue setting and debt availability
- how the provider proposes to obtain feedback from customers
- planned water charges and financing strategy
- forecast financial statements, including forecasts of capital and operating expenditure to meet additional demand, improve the level of service, and replace existing assets
- funding impact statements, identifying the sources and application of funding for each of drinking water, wastewater and stormwater
- significant infrastructure issues over the next 30 years, the principal options for managing those issues, and indicative estimates of the projected capital and operating expenditure associated with management of water infrastructure assets.

The content required to be included in a Water Services Strategy and the process for developing it would be set out in legislation.

04 Charging, borrowing and related matters

Powers to charge customers and debt collection

Charging customers

Legislation will include provisions that enable Boards of water organisations to:

- assess, set and collect water services charges, including charges for any or all of the following:
 - water supply, wastewater, and stormwater (where applicable)
 - the initial connection to one or more of the above services
 - contributions to the capital costs of infrastructure needed to service additional demand on the network, and
 - meeting the costs that the water organisation incurs in performing and exercising its functions.
- determine how charges are assessed and invoiced, when they are due, and how they will be paid or collected.

The Legislation will include a framework to enable water organisations to identify which ratepayers should be charged for water services – which will be based on a modified version of the existing framework in the Local Government (Rating) Act 2002.

Legislation will provide for councils to share relevant billing information with water organisations to enable water companies to contact and bill their customers. Councils will be able to charge a reasonable fee for this service.

When a new water organisation is set up, there may be a transitional period until the organisation has a billing system in place. In this case, councils and water organisations can enter into a voluntary ‘pass-through’ billing agreement.

The legislation will also enable water organisations to use the development contributions regime in the Local Government Act 2002. This will give water organisations the ability to directly charge developers who place new or

additional demand on water infrastructure, to help recover the capital expenditure that is necessary to service that growth over the long term.

Debt collection powers

Water organisations will not have the same rates collection powers as local authorities and will instead rely on commercial debt practices to collect overdue amounts. This is similar to the situation for Watercare and other regulated utilities.

Powers of receivers

The Local Government Act 2002 and Receiverships Act 1993 contain longstanding provisions that allow a receiver to be appointed where a council defaults on a debt. Among other things, a receiver may collect rates to repay the debt.

New water organisations that borrow independently of Local Government Funding Agency will have similar provisions to ensure receivers can act appropriately in the event that a water organisation defaults on a debt.

New legislation will:

- allow the receiver to assess and collect for a given financial year both the amounts owed by the water organisation for that year and the reasonable costs incurred in collecting that amount
- prohibit the receiver from having any interest or security in water services infrastructure assets, and
- allow the receiver to collect the amount through water services charges assessed on consumers.

In the event of financial distress, relevant provisions of the Corporations (Investigation and Management) Act 1989 will also apply.

Borrowing and credit rating implications

Local Government Funding Agency

The Local Government Funding Agency will be able to provide financing to new water organisations guaranteed by its shareholders in the same way as council-guaranteed council-controlled organisations.

The Government is developing options to enable the Local Government Funding Agency to lend to new water organisations, with the aim to provide confidence to councils in suitable financial solutions.

Borrowing from Local Government Funding Agency, with the support of shareholding councils will provide a transitional step towards water organisations borrowing independently in the future.

This transition path allows time for water organisations to develop sufficiency in their revenue gathering and develop an operating track record.

Foreign currency borrowing

Legislation will explicitly allow water organisations to borrow in foreign currency. This acknowledges that many organisations will need to borrow significant amounts to meet infrastructure costs, expected to exceed the amount of New Zealand-based lending available.

Water organisations will also be allowed to enter into incidental arrangements, such as derivatives and hedges, which allow water organisations to reduce their exposure to currency risk.

Credit rating implications

The impact on local authority credit ratings of establishing a water organisation will depend on a range of factors, including key features of the proposed model adopted, ownership, and financing arrangements (including provision of any council support). Councils who are considering establishing a water organisation should obtain their own advice on the rating and financial implications prior to deciding to establish a water organisation.

With support from Crown Infrastructure Partners and its commercial advisors, the following table has been prepared as an illustrative guide of the hypothetical rating treatment based on certain scenarios and assumptions. Crown Infrastructure Partners is available to answer any questions you have about this indicative rating evaluation, including the assumptions underpinning it.

Model	Council support	Indicative rating treatment	Financing mechanism
Internal business unit or division	N/A	On balance sheet*	LGFA
Single-council water organisation	N/A	On balance sheet*	LGFA
Multi-council water organisation (with council support)	Parent council provides guarantee	Contingent liability*	LGFA
Multi-council water organisation (with no council support)	No support from parent	Contingent liability*	Banks and/or capital markets
Mixed ownership	No support from parent	Contingent liability*	Banks and/or capital markets
Consumer Trust-owned	No support from parent	Off balance sheet	Banks and/or capital markets

* Impact on council credit rating depends on council and/or water organisation revenues and debt.

Distributions, taxation and related arrangements

Distributions

Local authorities will be able to decide whether to permit water organisations to make distributions or pay dividends to shareholders, and in what circumstances, when they establish a water organisation. Should councils wish to prevent a water organisation from making distributions to shareholders, this can be provided for in the company constitution. Economic regulation will, in certain circumstances, include a focus on the appropriateness of water charges and revenues, including considering the appropriate return on capital.

Tax status of water organisations

Most new water organisations will be exempt from income tax. This is because water organisations are not primarily engaged in commercial activities with a profit-making objective and will be owned by councils or consumer trusts.

If a water organisation is wound up, there will be a requirement that assets must be transferred to another water organisation or to a council on wind-up. This ensures that a taxable consumer trust or private shareholder would not receive any of the water organisation's assets (including any untaxed accumulated gains).

Exemptions from minimum requirements, outlined earlier, may affect a water organisation's tax status if they no longer meet the criteria for the income tax exemption. If a water organisation has a shareholder that is not tax exempt (such as a consumer trust that does not have charitable status) it may not be granted tax exempt status.

Rateability of land and assets owned by water organisations

Land transferred to water organisations will be rateable. Legislation will require land owned by water organisations, and assets that are owned by the organisation but located on or under land the organisation does not own, should be rateable. This aligns with the way that land and assets of other network providers, such as electricity and telecommunications companies, are rated.

Councils may elect to remit those rates if they decide that the water organisation, which they will likely be shareholders in, should not have to pay them.

Civil Defence Emergency Management cost-sharing arrangements

Legislation will ensure that Civil Defence Emergency Management cost-sharing arrangements with the Crown would apply directly to water organisations. This will ensure financial separation of water organisations and allow them to directly seek partial reimbursement from the Crown for emergency expenses.

Modernised powers and stormwater services

Modernised powers to carry out work on land and control connections

Legislation will include modernised provisions relating to water infrastructure and service including:

- Powers for water service providers to control connections to water services and infrastructure. These are powers that enable councils to approve connections by private individuals or businesses to water supply, wastewater and/or stormwater infrastructure, and include the ability to set design or engineering requirements.
- Powers for water service providers to carry out work on land in relation to water services infrastructure. These are powers that are required by all kinds of utility providers (water, telecommunications, electricity, and gas) to ensure infrastructure can be constructed or maintained, particularly where it is on private property or underground.
- An updated approach to the bylaws relating to water services. The current system of bylaws will be replaced or supplemented with new, fit-for-purpose statutory provisions, including requirements for management plans and enforcement rules. This will enable more effective and consistent management, while still addressing local issues and needs.

These changes will allow water services providers to control and protect drinking water catchments and manage trade waste. The legislation will include transitional provisions to provide for how local authorities and water services providers will transition to the new system over time.

Arrangements for the management and delivery of stormwater services

Councils will retain legal responsibilities for the management of stormwater services, but that can choose to:

- continue to deliver stormwater services in-house and contract aspects of stormwater service delivery to a new water organisation
- transfer aspects of stormwater service delivery (this might include stormwater network assets*) to a water organisation, and
- contract aspects of stormwater service delivery to a third-party provider, via long-term contract or public-private partnership.

Councils can determine the levels of service and performance targets for the delivery of stormwater management services. Water service organization identify the costs of delivering stormwater management services that meet the expected levels of service and meet performance targets.

Councils will continue to collect revenue through rates from residents and businesses for stormwater management services. Revenue for the delivery of stormwater management services is identified separately within council's accounts (ring fenced). Depending on the stormwater management services that are contracted or transferred, the revenue collected through rates may be allocated between councils and water service delivery vehicles to deliver stormwater service outcomes.

* Councils will need to consider this on a case-by-case basis as part of any transfer arrangements, including whether or not it is appropriate to transfer any assets as well as determining appropriate funding mechanisms.

Local Water Done Well IMPLEMENTATION ROADMAP



This document provides an overview of key activities and milestones for the implementation of Local Water Done Well.

It outlines the key steps in the overall Local Water Done Well programme to help councils and other stakeholders understand the timing of the programme. It is not intended to be comprehensive or cover related agency workstreams. All information and timeframes are indicative and subject to change, in line with legislative processes.

August 2024

Workstream	Next 6 months (Jul-Dec 2024)	Jan -Jun 2025	Jul-Dec 2025	Jan-Jun 2026	Jul-Sep 2026
LEGISLATION					
Local Government (Water Services Preliminary Arrangements) Bill (Bill 2)	<p>Bill 2 enacted (Aug 2024)</p> <p>Department of Internal Affairs (DIA) provides guidance for councils to support implementation of Bill 2</p>				
Local Government Water Services Bill (Bill 3)	<p>Bill 3 introduced (Dec 2024)</p>	<p>Bill 3 enacted (mid-2025)</p>	<p>DIA provides guidance for councils to support implementation of Bill 3</p>		

COUNCIL WATER SERVICE DELIVERY ARRANGEMENTS

Water service delivery arrangements	<p>Councils can establish new water organisations allowed under existing legislation</p> <p>DIA/Crown Infrastructure Partners (CIP) supports councils on delivery model considerations</p> <p>CIP and Local Government Funding Agency (LGFA) support councils on structuring and financing for new water organisations (Dec 2024-Feb 2025)</p>	<p>Councils can establish new water models provided through legislation</p> <p>Minimum requirements for local government water services providers in effect</p>
Water Services Delivery Plans (WSDPs)	<p>Councils develop WSDPs</p> <p>DIA supports councils to populate WSDP template (Sep-Nov 2024)</p> <p>Councils finalise WSDPs, with DIA support as needed</p>	<p>Councils submit WSDPs to DIA for review and acceptance (Aug-Nov 2025)</p> <p>Final opportunity for councils to apply for WSDP extension (Jul 2025)</p>
		<p>Councils publish accepted WSDPs (Nov 2025 or later for extensions)</p> <p>DIA shares accepted WSDPs with Commerce Commission and Taumata Arowai</p> <p>DIA monitor WSDPs Implementation Plan (Nov 2025 until complete)</p>

KEY: Mandatory activities

Workstream	Next 6 months (Jul-Dec 2024)	Jan -Jun 2025	Jul-Dec 2025	Jan-Jun 2026	Jul-Sep 2026
ECONOMIC REGULATION					
Crown monitor for Watercare (interim economic regulator for Watercare)	Crown monitor appointed	Crown monitor quarterly reporting			
	Watercare submits business plan to Crown monitor	Crown monitor annual reporting (starting 30 Nov 2024)			
	Watercare Charter in place				
Ringfencing of water services	Councils must consider ringfencing as part of WSDPs		Consideration of ringfencing requirements and impacts on council operations, and implementation of financial controls to enable ringfencing of water services financial information	Water service providers prepare stand-alone financial statements for water supply, wastewater and stormwater, and in aggregate, for the period to 30 June 2026, as part of annual reporting (anticipated)	
Information disclosure	Councils provide information as part of WSDPs (foundational information disclosure) Early information disclosure on assets and investments for some councils (subject to ministerial approval)	Commerce Commission consultation on potential information disclosure requirements		Information disclosure requirements in place (within 6 months of Bill 3 enactment)	
Revenue thresholds				Revenue thresholds in place (if required)	
Quality standards and performance requirements				Quality-only regulation and performance requirements can apply	
Price-quality regulation				Price-quality regulation can apply	
ENVIRONMENTAL REGULATION					
Drinking water					
Drinking water quality regulatory environment	Regulatory changes to ensure regulation is proportional to risk for drinking water suppliers				
Wastewater					
Wastewater environmental performance standards	Taumata Arowai engages on development of wastewater standards	Taumata Arowai consultation on wastewater standards		Wastewater standards in place (mid-late 2025) Modular designs for treatment plants available (that meet wastewater standards)	
Stormwater					
Stormwater management roles and responsibilities				New urban stormwater provisions take effect	
Water service bylaw alternatives				Alternative options to bylaws available to councils (e.g. drinking water catchment plans, trade waste plans and rules, water supply and wate management enforcement)	
Infrastructure					
National Engineering Design Standards (NEDS)				DIA develop NEDS regulations	NEDS in place (early 2026)

6.9 Revocation of Local Purpose (Water Supply) Reserve at Whau Valley Road

Meeting: Whāngarei District Council
Date of meeting: 29 August 2024
Reporting officers: Christine Niblock – Team Leader, Infrastructure Planning
 Andrew Venmore – Manager, Water Services

1 Purpose / Te Kaupapa

To determine whether to proceed with revocation of the reserve status of the Local Purpose (Water Supply) Reserve at Whau Valley Road - Lot 1 DP 427274.

2 Recommendations / Whakataunga

That the Council:

1. On 23 November 2023 Council approved notification of Council's intention to revoke the reserve status of Lot 1 DP 427274 as the land is no longer required for water supply purposes.
2. Notes that no formal objections were received following the process under section 24(2)(c) of the Reserves Act 1977; and

Approves, subject to ratification of the Minister, the revocation of the reserve status of Lot 1 DP 427274;

4. Approves the sale of Lot 1 DP 427274 and authorizes the Chief Executive to enter into the necessary arrangements on behalf of Council to complete the property sale to the person from whom the land was originally acquired pursuant to section 40 of the Public Works Act.

3 Background / Horopaki

This matter was last brought to Council on 23 November 2023, seeking Council's decision, as the administering body of the Local Purpose (Water Supply) Reserve, whether to initiate the process of revoking the reserve status of Lot 1 DP 427274.

Following the revocation of the reserve status, the land may be offered to sell, by private contract, to the person from whom it was acquired, as per s40(2) Public Works Act 1981.

At the November 2023 meeting Council resolved to initiate the process to revoke the reserve status of Lot 1 DP 427274 - Local Purpose (Water Supply) Reserve - pursuant s24(1)(b) Reserves Act 1977. Refer Attachment 4 for the previous agenda item. The matter now returns to Council to complete this process.

4 Discussion / Whakawhiti kōrero

Summary of Acquisition

The section of land in question was first subdivided in 2005, and subsequently purchased in fee simple by Schreurs & Bonne Co. Limited/Schreurs Family Trust. In 2009, the land was further subdivided by the Schreurs Family Trust.

At this time, Council sought to acquire this land as part of a strategy to futureproof available land for water services needs. The acquisition was completed by mutual agreement with the Schreurs Family, and in accordance with s17 Public Works Act.

On completion of the sale, the land was amalgamated with other land parcels associated with the Whau Valley Water Supply Reserve. All these parcels were subsequently classified under the Reserves Act 1977 for Local Purpose (Water Supply) Reserves.

To summarise, the land was not derived from the Crown, being the result of land acquisition by agreement under the Public Works Act.

Summary of Process

The process for the revocation of reserve status and subsequent sale of the land is set out in Section 24 of the Reserves Act 1977 and Section 40 of the Public Works Act 1981.

A summary of this process is as follows;

Act Section	Summary	Status
Reserves Act 1977 – Reserve Status Revocation		
s24(1)	Notify the Commissioner (DOC) in writing, pursuant a resolution of Council, of the intent and reasoning as to why the reservation should be revoked.	Council Resolution: 23 November 2023 DOC Confirmation: 11 April 2024
s24(2)(b)	Public Notification	Complete: 12 June – 12 July 2024
s24(2)(c)	Council to consider any objections and provide a resolution to the Commissioner (DOC) in relation to those objections.	
s24(1)(b)	On consideration of the above, the Minister (DOC) will approve or decline reserve revocation; revocation is ratified through a notice in the Gazette.	
Public Works Act 1981 – Disposal to former owner; land not required for public work		
s40(1)(a-c)	Council may endeavour to sell (in accordance with ss(2) land no longer required to be held for any public work.	
s40(2)	Council shall offer to sell the land by private contract to the person from whom it was acquired; at current market value, or any lesser price.	

In accordance with s24(1)-(2) Reserves Act 1977, the required public notification of the intent to revoke the reserve status of Lot 1 DP 427274, being a Local Purpose (Water Supply) Reserve, was undertaken from 12 June to 12 July 2024.

Additionally, a memorandum was emailed to the relevant Iwi/Hapu on 28 May 2024. This memorandum provided background information on Lot 1 DP 427274, the relevant legal considerations, and sought feedback on the proposal including a request for submissions in objection or support.

Summary of Submissions

Two submissions were received on the proposal, with no formal objections. The submissions are provided in the following table. The submissions were of a general nature in which their position was not stated as in support or opposition.

Submitter	Position	Submission	Comment
<p>Nga Mahinga o Ngāti Kahu o Torongare</p> <p>Received: 16/06/2024</p>	No position.	<p><i>“On behalf of the hapu, Ngāti Kahu o Torongare - mana i te whenua of Whau Valley, we respectfully ask that the whenua that is no longer needed for the Water Treatment in Whau Valley is kept as a reserve and given back to the hapu of Ngāti Kahu o Torongare.</i></p> <p><i>As stated in the Waitangi Tribunal findings, part 2 - it is their suggestion that all whenua that is currently in Crown ownership be returned to the mana i te whenua.</i></p> <p><i>We await a direct response and will have further consultation within the hapu once that is received. We also would request a copy of the newspaper notice be emailed back to this address.”</i></p>	<p>Submission relates to whenua that is in Crown ownership; this land title was not derived from the Crown, being the result of a private subdivision.</p> <p>A response advising of the same has been sent to Nga Mahinga o Ngāti Kahu o Torongare with no further correspondence received.</p>
<p>Evelyn Manley</p> <p>Received: 26/06/2024</p>	No position.	<p><i>“I have learned that there is a proposal to revoke the reserve status of Lot DP 427274. I am surprised that I have not been contacted or notified of this, as the lot surrounds my property on three sides, and a change in status for this lot potentially impacts on my property, 215 Whau Valley Road.</i></p> <p><i>I read that Council is open to submissions on the proposal, and to make any comment I would need to know what, specifically, does revoking the current status mean? What would the status be then and how would that impact surrounding properties? My level of interest and concern is significant, considering this lot literally surrounds my property.</i></p> <p><i>I would appreciate contact per email, phone or in person to discuss and to answer my questions, so that I may have an informed position from which I can offer comments.”</i></p>	<p>Response emailed explaining process, including <i>“The land is zoned as ‘future urban’ under the District Plan, and it would become a matter for the owner to determine what they wish to do with the land, once it is returned.”</i></p> <p>No further correspondence received.</p>

In accordance with s24(2)(c) Reserves Act, Council must consider and accept or decline any objections, with a resolution of this consideration to go to the Minister for final approval.

Because no formal objections were received, and there has been no further correspondence from submitters, it is considered that the requirements of s24(2)(c) may be satisfied by a formal resolution of Council to approve the reserve revocation, subject to ratification by the Minister.

Council Determination

If Council resolves to continue with revocation of the reserve status, the resolution of Council will be forwarded to the Department of Conservation for consideration by the Minister. The Minister will make a final determination, ratified by notice in the *Gazette*.

4.1 Financial/budget considerations

All costs relating to the revocation of reserve status application are budgeted for within existing operational budgets.

4.2 Policy and planning implications

There are no policy or planning implications. This report ensures we are meeting the requirements of the Reserves Act 1977 and the Public Works Act 1977.

4.3 Options

Option 1 – Council resolves to approve revocation of the reservation status of Lot 1 DP 427274 pursuant s24(1)(c) Reserves Act 1977, subject to ratification of the Minister. This would allow WDC to initiate the steps required to dispose of the land under Section 40 of the Public Works Act 1981.

Option 2 – Council declines to revoke the reservation status of Lot 1 DP 427274. WDC would not be able to offer the land back under Section 40 of the Public Works Act and the land would remain vested in Council for a purpose for which it is no longer required.

Considering the above, the current recommendation of staff is Option 1 - Council resolves to approve revocation of the reservation status of Lot 1 DP 427274 pursuant s24(1)(c) Reserves Act 1977, subject to ratification of the Minister.

4.4 Risks

The Minister will consider the resolution along with any objections received in making a final determination. The Minister may accept or decline the revocation.

5 Significance and engagement / Te Hira me te Arawhiti

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 the Agenda publication on the website and via a notice in the *Gazette* on ratification of the Minister. Furthermore, public notification and direct communication with Iwi/Hapu has been carried out as described earlier in this report.

6 Attachments / Ngā Tāpiritanga

1. Record of Public Notification
2. Record of Submissions and Council Response
3. Minister Correspondence



Council News

0800 932 463 www.wdc.govt.nz Facebook.com/WhangareiDC



Public notice

Feedback sought on proposal to revoke reserve status from Lot 1 DP 427274

Under Sections 24, 25 and 120 of the Reserves Act 1977, the Whangarei District Council proposes to revoke the reserve status from Lot 1 DP 427274, which was strategically acquired in 2009 for the ongoing management of Whangarei District Council's water reticulation system.

This parcel of land is no longer required due to the acquisition and designation of an alternative site, being Section 1 SO 493018 – The Whau Valley Water Treatment Plant.

We want your feedback

Let us know if you oppose, support or have

any comments on the proposal. All submissions must include your name, postal address, telephone number and email. Submissions can be emailed to infrastructure_planners@wdc.govt.nz. Or posted to Infrastructure Planners, Whangarei District Council, Private Bag 9023, Te Mai, Whangārei 0143, no later than 5pm on 12 July 2024.

Once the public notification period closes, feedback will be considered by Whangarei District Council and then a report will be forwarded to the Minister of Conservation to make a final determination on whether the reserve status will be revoked.

If you have any questions, contact: infrastructure_planners@wdc.govt.nz

A few clicks to the ePlan



The Whangārei District Plan contains all the rules about the way every piece of land in the District can be used and how and where our District can develop.

Now anyone can search for the District Plan rules that apply to their own, or any other,

property online using the ePlan on Council's website.

The interactive online version of the plan is easy to find at www.wdc.govt.nz/ePlan.

The ePlan also has a helpful 'how to' section to guide you as you search for information.

PUANGA MATARIKI Festival
HARATUA - PIPIRI 2024
WHAT'S ON

Red Shield Musical Matinee

Saturday 15 June, 2pm to 4.30pm
The Salvation Army

Matariki Concerts

Wednesday 19 & 26 June, 10am
Whangārei District Libraries

Kōpū

Wednesday 26 June, 7pm
Forum North

Mauri Tau by Scotty Cotter

Saturday 22 & Sunday 23 June
OneOneSix

Ūkaipō

Saturday 22 & Sunday 23 June
OneOneSix

Matariki Celebration Concert

Saturday 29 June, 2pm to 4pm
Sistema Whangārei-Toi Akorangi

Whangārei Gospel Choir

Sunday 30 June, 6pm to 8pm
OneOneSix

For the full list of events check out www.wdc.govt.nz/Matariki

Advertising and public notices on these pages approved for and on behalf of Whangarei District Council by **S Weston** Chief Executive

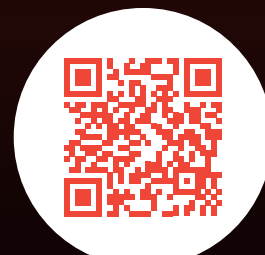


Creative communities grants

Community arts and cultural projects needing some funding support are invited to apply to the Creative Communities Scheme. Round 1 - closes on 28 June 2024.

www.wdc.govt.nz/funding

Whangarei District



Botanica
Whangarei District

Fernery Conservatory Cactus House

FREE ENTRY OPEN DAILY 10AM-4PM
First Ave, Whangārei

From: [Infrastructure Planners](#)
To: [Nga Mahinga Ngati Kahu o Torongare](#)
Subject: RE: Whau Valley Reserve Revocation
Date: Friday, 21 June 2024 11:50:48 am

Hello,

Thank you for your email. Please find below a copy of the public notice.

The feedback that was sought through the placement of this Public Notice was in regard to removing the reserve status from this piece of land.

We will record your comments for further consideration. Our understanding is that the Council obtained this land through a private subdivision and it is therefore not derived from the Crown. But we will need to confirm this which will be part of the next stage of the revocation process.



Public notice

Feedback sought on proposal to revoke reserve status from Lot 1 DP 427274

Under Sections 24, 25 and 120 of the Reserves Act 1977, the Whangarei District Council proposes to revoke the reserve status from Lot 1 DP 427274, which was strategically acquired in 2009 for the ongoing management of Whangarei District Council's water reticulation system.

This parcel of land is no longer required due to the acquisition and designation of an alternative site, being Section 1 SO 493018 – The Whau Valley Water Treatment Plant.

We want your feedback

Let us know if you oppose, support or have

any comments on the proposal. All submissions must include your name, postal address, telephone number and email. Submissions can be emailed to infrastructure_planners@wdc.govt.nz. Or posted to Infrastructure Planners, Whangarei District Council, Private Bag 9023, Te Mai, Whangārei 0143, no later than 5pm on 12 July 2024.

Once the public notification period closes, feedback will be considered by Whangarei District Council and then a report will be forwarded to the Minister of Conservation to make a final determination on whether the reserve status will be revoked.

If you have any questions, contact: infrastructure_planners@wdc.govt.nz



Kind regards,
Infrastructure Planners

From: Nga Mahinga Ngati Kahu o Torongare <ngamahinga.ngatikahu@gmail.com>

Sent: Sunday, 16 June 2024 8:26 PM

To: Infrastructure Planners <infrastructure_planners@wdc.govt.nz>

Subject: Whau Valley Reserve Revocation

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

Tena koutou,

On behalf of the hapu, Ngati Kahu o Torongare - mana i te whenua of Whau Valley, we respectfully ask that the whenua that is no longer needed for the Water Treatment in Whau Valley is kept as a reserve and given back to the hapu of Ngati Kahu o Torongare.

As stated in the Waitangi Tribunal findings, part 2 - it is their suggestion that all whenua that is currently in Crown ownership be returned to the mana i te whenua.

We await a direct response and will have further consultation within the hapu once that is received. We also would request a copy of the newspaper notice be emailed back to this address.

Admin

Nga Mahinga o Ngati Kahu o Torongare

Mana i te whenua o Whau Valley

From: [Infrastructure Planners](#)
To: [Evelyn Manley](#); [Infrastructure Planners](#)
Subject: RE: revoking reserve status
Date: Thursday, 27 June 2024 10:44:50 am
Attachments: [image001.png](#)

Morning Evelyn

Thank you for your email.

The water supply reserve was initially acquired through a private sale with the intention of having water supply infrastructure located within the site.

This is no longer required, and because we do not need it for those purposes, as part of legislative processes we have basically got 2 options:

A: change the reserve status to something more appropriate

B: revoke the reserve status and offer the land back to the original owner whom we purchased the property from (first right of refusal).

Council made a resolution to revoke the reserve status and subsequently offer it back to the previous owner, understanding they are interested in proceeding with this.

The land is zoned as 'future urban' under the District Plan, and it would become a matter for the owner to determine what they wish to do with the land once it is returned.

I hope that provides you with enough information to be able to provide comment.

We will keep a record of your response in the meantime, and will be in touch with all interested parties/submitters in due course.

Nga mihi | Regards,

Infrastructure Planning | Infrastructure Planning Department

Whangarei District Council | Te Iwitahi, 9 Rust Avenue
Private Bag 9023, Whangarei 0143

P 09 430 4200 | DDI 09 945 4378 www.wdc.govt.nz



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From: Evelyn Manley <evelyn@propeople.co.nz>

Sent: Wednesday, 26 June 2024 9:59 am

To: Infrastructure Planners <Infrastructure_planners@wdc.govt.nz>

Subject: revoking reserve status

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

Hello People,

I have learned that there is a proposal to revoke the reserve status of Lot DP 427274. I am surprised that I have not been contacted or notified of this, as the lot surrounds my property on three sides, and a change in status for this lot potentially impacts on my property, 215 Whau Valley Road.

I read that Council is open to submissions on the proposal, and to make any comment I would need to know what, specifically, does revoking the current status mean? What would the status be then and how would that impact surrounding properties? My level of interest and concern is significant, considering this lot literally surrounds my property.

I would appreciate contact per email, phone or in person to discuss and to answer my questions, so that I may have an informed position from which I can offer comments.

With thanks and regards,
Evelyn

Evelyn Manley

NLP Master Practitioner and Trainer

Life Coaching – Bioptron Light Therapy

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Snapshots

A collection of Short Stories and Poems

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Reference: R255229

11 April 2024

Christine Niblock
Infrastructure Planning Department
Whangārei District Council

Infrastructure_planners@wdc.govt.nz

Tēnā koe Christine,

Consultation with the Commissioner under s.24(2)(b) of the Reserves Act 1977 – Lot 1 DP 427274, part Whau Valley Water Supply Reserve.

Thank you for your email of 30 May 2023 in which you detail Whangārei District Council's proposal to revoke the reserve status of Lot 1 DP 427274, land forming part of the Whau Valley Water Supply Reserve, under the provisions of section 24 of the Reserves Act 1977.

As the land gained its reserve status on amalgamation with Allotments 52, 53 & SE55 Parish of Whangārei, a condition of a resource consent under the Resource Management Act 1991, then s24(7) Reserves Act 1977 is relevant, and the provisions of s24(2)(b) requiring public notification are applicable.

This advice is for the purposes of the requirement under section 24(2)(b) of the Reserves Act to consult with the Commissioner, prior to the public notification process.

The Commissioner's role is to assist in providing guidance on the Reserves Act procedures, and information on matters that need to be considered in the decision-making processes.

Information required

As required in section 24(2)(c), Council is to forward a copy of any objections to the Commissioner together with a copy of the Council resolution in relation to those objections.

It is important that the Council resolution, in respect of any objection, be made based on a thorough assessment of the objection. The Minister is subsequently required to consider the content of any objection and be able to conclude that the administering body has given fair and reasonable consideration to the subject matter; with regard given to the classification and purpose of the reserve and considering the wider functions and purposes of the Reserves Act.

Department of Conservation Te Papa Atawhai

www.doc.govt.nz

DOC-7604222

The resolution in relation to the objections must therefore be supported by information contained in a report to Council where full consideration is given to the objections.

By way of an example, attached for your information is a copy of a report to the Hutt City Council in relation to a revocation within the Mitchell Park recreation reserve, Lower Hutt.

Reserve values

As the administering body, the Council is required to carry out a comprehensive identification of existing values of the reserve in terms of the purposes of the Reserves Act. If reserve values exist, the Council needs to take these values into consideration when formulating its view about whether the reserve status should be revoked. A description of the values and the consideration of them in the decision-making process should be provided with the application forms referred to below.

Treaty of Waitangi

Pursuant to section 4 of the Conservation Act 1987, the Council is required to interpret and administer the Reserves Act to give effect to the principles of the Treaty of Waitangi; and for this purpose, you will need to consult with the following iwi authorities:

- Ngāti Kahu o Torongare
Nicki Wakefield Ngamahinga.ngatikahu@gmail.com
- Te Parawhau
Mira Norris selwynandmira@gmail.com
- Pari Walker
pariwalker@hotmail.com
CC in apetera.hinemoa49@gmail.com
- Nga Puhi
communications@ngapuhi.org
- Ngāti Hou
ngatihaurmu@xtra.co.nz
- Ngāti Whātua
runanga@ngatiwhatua.iwi.nz

Application forms

Once the public notification phase is complete, please submit the above mentioned information, along with completed Reserves Act consent application forms (found on our website: <https://www.doc.govt.nz/about-us/our-role/managing-conservation/statutory-land-management/>) to SLM@doc.govt.nz.

Disposal

Pursuant to section 25(1) of the Reserves Act, as ownership of the reserve was not derived from the Crown, upon revocation of the reservation the subject land may be disposed of by Council in such manner and for such purpose as may be specified by the Minister. This decision of the Minister was delegated to Council by Instrument of Delegation for Territorial Authorities dated 12 June 2013.

Department of Conservation *Te Papa Atawhai*

www.doc.govt.nz

DOC-7604222

For any further advice on the reserve revocation process, please contact Lucy Hardy, a Statutory Land Management Advisor on lhardy@doc.govt.nz.

Nāku noa, na



Joel Lauterbach
Commissioner/Operations Manager, Whangārei District

6.10 Whangarei Art Trust Deed of Guarantee Access Request 2024 - 2025

Meeting: Whangarei District Council
Date of meeting: 29 August 2024
Reporting officer: Victoria Harwood General Manager Community

1 Purpose / Te Kaupapa

To gain councils approval for access by the Whangarei Art Trust to the remaining Deed of Guarantee funds should it be required in the 2024-2025 financial year.

2 Recommendations / Whakataunga

That the Council.

1. Notes the Trust have followed the requirements set out in the Trust Deed and the Deed of Guarantee and Indemnity.
2. Notes that the remaining guarantee is \$450,000, made up of original guarantee funds.
3. Approves providing up to \$450,000 of the remaining Guarantee funds in the 2024-2025 financial year to support Hundertwasser Art Centre operations for any financial deficit should it be required.
4. Notes that if \$450,000 were to be released and all funds used during 2024-2025 financial year above in item 3, the guarantee will have a \$0 balance and the Deed of Guarantee would cease. Any remaining funds in the Guarantee at the end of the financial year would be carried into the next financial year.
5. Council requests the Whangarei Art Trust seek additional funding sources including external funding and implementation of their own fundraising activities.

3 Background / Horopaki

Deed of Guarantee

The Trust deed states that the formation of a guarantee to protect the council against losses of HAC in the first 10 years of being open will be put in place. This was done and the Trust Deed of Guarantee and Indemnity was signed in 2018.

In March 2023, council granted access to the Trust for up to \$500,000 per year from the guarantee in the two financial years 2022 - 2023 and 2023 – 2024. The full amount was not used in 2023-2024 financial year which has left a balance remaining of \$450,000.

4 Discussion / Whakawhiti kōrero

The Whangarei Art Trust receive an annual operating grant and rent concession for the Whangarei Art Museum (WAM) of \$430,903 per year and a rent concession of \$186,100.

Through the long-term plan 2024-2034 the council have increased the Trusts existing annual operating grant by the following amounts:

Year	Additional Amount
2024-2025	\$90,000
2025-2026	\$480,000
2026-2027	\$480,000

This funding will support Trust operations to be undertaken with a smaller financial deficit to their budgets for the next three years.

As there is \$450,000 remaining in the guarantee to protect council from the HAC losses, a smaller amount of operating grant is provided for in year 1 of the long-term plan.

It is expected the Trust will utilise some/all the \$450,000 remaining in the 2024-2025 financial year as financial losses are forecast in year one of their final Statement of intent 2024-2027.

Council approval is required to grant permission of the Trust to access any of the remaining guarantee, with a provision in the Deed that this can be to a maximum of \$500,000 in any one year.

4.1 Financial/budget considerations

The remaining funds in the guarantee amount to \$450,000

If council grant permission for the Whangarei Art Trust to access guarantee funds up to the full remaining amount, there is a risk the guarantee will being fully used by the end of the 2024-2025 financial year with no remaining guarantee funds for future years to protect council from the HAC losses.

If council does not grant permission at this point to the Trust to access guarantee funds, it is expected the Trust would return at a future date this financial year with the same request.

Staff recommend council grant permission from the start of this financial year to the Whangarei Art Trust to access guarantee funds to provide support to the Trust in their financial planning.

5 Significance and engagement / Te Hira me te Arawhiti

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 this Agenda publication on the website, and in the Committee meeting.

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:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Confidential Minutes Whangarei District Council 25 July 2024	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Water Supply Maintenance Contract 14032		
1.3	Appointment Risk and Audit Committee Chairperson		
1.4	Infrastructure as a Service Contract		
1.5	Property Purchase Hikurangi		
1.6	Land Sale and Legalisation Otuhi Road		
1.7	Request to stop Orua Rd, Bream Bay Village		
1.8	Development Proposal Dent Street		
1.9	Notice of Motion		

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	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.3	To protect the privacy of natural persons including that of a deceased person	Section 7(2)(a)
1.4	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.5	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations) To prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(i) Section 7(2)(j)
1.6	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

1.7	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
1.8	To enable Council to carry on without prejudice or disadvantage commercial activities. To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(h) Section 7(2)(i)
1.9	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial 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.