

## Council Briefing Agenda

**Date:** Tuesday, 25 March, 2025

**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.

<b>1. Apologies / Kore Tae Mai</b>	
<b>2. Reports / Ngā Ripoata</b>	
2.1 Northland Inc Draft Statement of Intent 2025-2028 Feedback	3
2.2 Public Places and Control of Advertising Signs Bylaws - Findings and options	49
2.3 Whangārei Future Development Strategy - Final revisions	129
<b>3. Closure of Meeting / Te katinga o te Hui</b>	

## 2.1 Northland Inc Draft Statement of Intent 2025-2028 Feedback

<b>Meeting:</b>	Council Briefing
<b>Date of meeting:</b>	25 March 2025
<b>Reporting officer:</b>	Michael Turner – Economic Development Facilitator

### 1 Purpose / Te Kaupapa

To provide Council with an opportunity to review and provide feedback on Northland Inc's Draft Statement of Intent (SOI) 2025-2028. Feedback will be used by WDC's representatives on the Joint Regional Economic Development Committee (JREDC) to inform the consolidated shareholder response to Northland Inc at the JREDC meeting on 29 April 2025.

### 2 Background / Horopaki

Northland Inc is the region's economic development agency and regional tourism organisation, jointly owned by Northland's four councils. It operates as a Council-Controlled Organisation (CCO), with governance oversight provided by the Joint Regional Economic Development Committee (JREDC).

Northland Inc's core functions include:

- Facilitating investment and economic development opportunities to grow Northland's economy.
- Supporting the region's key industries, including tourism and primary industries.
- Leading regional promotion, including destination management and visitor attraction initiatives.

Recently, Northland Inc has played a key role in advancing discussions on a Regional Deal for Northland. Regional Deals are an emerging economic development mechanism in New Zealand, aimed at aligning central and local government priorities to drive investment in key regional initiatives. Northland Inc has been coordinating local authorities and stakeholders in developing the proposal and identifying priority projects.

The Statement of Intent (SOI) is a key accountability document, setting out Northland Inc's strategic priorities, performance measures, and financial expectations for the next three years. Unlike other Council-Controlled Organisations (CCOs), the SOI process for Northland Inc is delegated to the JREDC, which coordinates shareholder expectations and provides consolidated feedback to Northland Inc's Board.

The 2025-2028 SOI process follows a structured timeline, with key milestones outlined below::

- 16 October 2024 – WDC Workshop to develop new KPIs for inclusion in the Letter of Expectation (LoE).
- 6 December 2024 – JREDC Meeting to finalise the LoE.
- 12 December 2024 – LoE sent to Northland Inc's Board, outlining shareholder priorities, including WDC's request for additional KPIs. **Attachment 1**

- 16 December 2024 – Additional letter sent from JREDC Chair to Northland Inc requesting development of capability to manage and host inward delegations. **Attachment 2**
- 28 February 2025 – Draft SOI and letter in response to request regarding inward delegations received from Northland Inc. **Attachment 3, Attachment 4 and Attachment 5**
- 7 March 2025 – JREDC Meeting to discuss the draft SOI.
- 26 March 2025 – WDC Workshop to review the draft SOI and provide feedback to its JREDC representatives (we are here).
- 29 April 2025 – JREDC Meeting where combined shareholder feedback will be finalised and sent to Northland Inc.
- 29 July 2025 – JREDC meets to approve the final SOI.

### **3 Discussion / Whakawhiti kōrero**

#### **3.1 Key Areas for Feedback**

WDC's previous input into the LoE requested additional KPIs to be included in Northland Inc's SOI. The draft SOI acknowledges these KPIs but does not fully incorporate them. Key points for discussion include:

- New KPIs – Northland Inc references developing new performance measures but does not include specific KPIs at this stage.
- Alignment with Council Priorities – The draft SOI outlines workstreams broadly aligned with WDC's expectations, but further refinement may be required.
- WDC Shareholding Review – The SOI references WDC's requirement to review its shareholding by December 2025 and offers support in providing information for this decision.

#### **3.2 Inward Delegations Request**

In December 2024, JREDC requested that Northland Inc develop capability to manage inward delegations. The draft SOI notes this request and outlines preliminary funding requirements:

- A 0.5 FTE role at \$90,000 annually or a full-time position at \$160,000 annually to coordinate inward delegation activities.
- This role would facilitate business connections, manage itineraries, and align delegation activities with regional investment priorities.
- Northland Inc has indicated that additional funding would be required, which may impact the Investment and Growth Reserve (IGR).

Council is asked to provide feedback on whether it supports this function being prioritised within Northland Inc's existing budget or if alternative models should be explored.

#### **3.3 Next Steps**

Feedback received from this workshop will be presented at the 29 April 2025 JREDC Meeting when the response to Northland Inc's Draft SOI will be discussed. Council staff have the opportunity to inform the paper that will be presented at this meeting and assist in drafting Council's feedback into this process.

#### **3.4 Council's Review of Northland Inc's Shareholding**

As noted in Northland Inc's letter to the Chair of JREDC (Attachment 3), Council is required to review its shareholding in Northland Inc beyond Year 2 of the Long Term Plan (LTP), with

a decision to be communicated by December 2025. Northland Inc has offered to support this process by providing relevant information to inform Council's decision.

Council staff are currently developing a proposed pathway and timeline for this review. The JREDC has requested an update on this process at its meeting on 29 April 2025.

#### **4 Financial/budget considerations / Ngā pānga pūtea/tahua**

There are no direct financial implications for Council at this stage. Any financial commitments arising from changes to Northland Inc's work programme, including the inward delegations' function, may require further discussions at the JREDC level but will not affect the level of funding Council provides Northland Inc.

#### **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. If the public are to be informed, this will be done as deemed appropriate.

#### **6 Attachments / Ngā Tāpiritanga**

Attachment 1 - Letter of Expectations to Northland Inc on SOI 2025 26

Attachment 2 - Letter to Northland Inc Chair on Proposal Request for International Inward Delegations

Attachment 3 - Letter to Chair of JREDC re Draft SOI FEB 25

Attachment 4 - 202502 statement of Intent body Draft - submitted to JREDC

Attachment 5 - Letter to JREDC Inward delegations - on letterhead revised post Board SD input too



12 December 2024

Suzanne Duncan and Paul Linton  
Chair and Chief Executive Officer  
Northland Inc. Limited  
PO Box 1762  
Whangārei 0140

Sent by email: [huhana.duncan@gmail.com](mailto:huhana.duncan@gmail.com) and [paul.linton@northlandnz.com](mailto:paul.linton@northlandnz.com)

Dear Suzanne and Paul

### **NORTHLAND INC LTD STATEMENT OF INTENT 2025/26: LETTER OF EXPECTATIONS**

On behalf of the Joint Regional Economic Development Committee (Joint Committee), and therefore representing the shareholders of Northland Inc Limited (Northland Inc), I am pleased to outline the expectations of shareholders as you prepare Northland Inc's 2025/26 Statement of Intent (SOI). These expectations align with the strategic vision for Northland and aim to strengthen Northland Inc's role in supporting regional economic development.

In terms of timing for the SOI development, the statutory deadline requires Northland Inc to deliver a draft 2025/26 SOI on or before 1 March 2025. However, as there is a Joint Committee meeting scheduled for 7 March 2025 it would be appreciated if the draft SOI could be delivered by 21 February 2025 to enable it to be incorporated into the agenda. The Joint Committee will provide its written comments back on the draft SOI by 1 May 2025. Northland Inc is required to deliver a completed 2025/26 SOI on or before 30 June 2025.

In preparing the draft SOI, the Joint Committee would like Northland Inc to consider the following comments which are set out by SOI section. As a general comment, the Joint Committee is not seeking major changes to Northland Inc's 2025/26 SOI. This is because significant revisions were made to the 2024/25 SOI, and councils have aligned our respective 2024-2034 Long Term Plans with this current SOI. We also recognise the need to allow time for Northland Inc to operate under the significantly revised SOI and the new ownership structure.

SOI section	Comments
<b>Introduction</b>	<ul style="list-style-type: none"> <li>No change requested.</li> </ul>
<b>Objectives</b>	<ul style="list-style-type: none"> <li>It would be useful to indicate how the work of Northland Inc aligns with Northland Mayoral Forum strategic priorities and Te Rerenga Economic Wellbeing Pathway.</li> </ul>
<b>Activities</b>	<ul style="list-style-type: none"> <li>Regional Deals – if central government chooses Northland as region to progress a regional deal with, based on the proposal to be sent before 28 February 2025, we will expect Northland Inc to play a major role. This is a priority for councils. Northland Inc would be expected to reprioritise activities accordingly.</li> </ul>

	<ul style="list-style-type: none"> <li>Regional identity – while we recognise this as a current activity area of Northland Inc, we ask Northland Inc to work with shareholder councils to help emphasise the brand identity of Northland.</li> </ul>
<b>KPIs</b>	<ul style="list-style-type: none"> <li>We would like to see the following three additional KPIs incorporated into the SOI. The rationale for each of these is also provided.               <ol style="list-style-type: none"> <li><b>1. Return on Investment to Shareholders</b>  <b>New Measure:</b> Annual reporting of the economic impact generated by Northland Inc supported projects, with a targeted return on investment benchmark.  <b>Rationale:</b> Addresses the shareholders' emphasis on validating the financial commitment, reinforcing the value Northland Inc brings to the districts and region.                 </li> <li><b>2. Major Projects and Successful Outcomes</b>  <b>New Measure:</b> Annual reporting on high-impact projects completed, including qualitative case studies to illustrate Northland Inc's role in securing funding, strategic support, and project implementation.  <b>Rationale:</b> Provides shareholders with a clear assessment of the investment returns, emphasising the successful completion of major projects attributable to Northland Inc's interventions.                 </li> <li><b>3. Regional Focus and Priorities</b>  <b>New Measure:</b> Annual reporting on strategic project alignment with district-specific economic priorities, detailing investment distribution across Whangarei, Kaipara, and Far North districts.  <b>Rationale:</b> Emphasises Northland Inc's role in supporting balanced economic growth, prioritising investments aligned with Te Rerenga's economic development framework.                 </li> </ol> </li> <li>We would like to acknowledge the efforts made by Northland Inc to keep all four shareholder councils informed of its activities. In this regard the quarterly highlight report introduced in 2024 is appreciated by shareholders and is important to continue.</li> </ul>
<b>Finance</b>	<ul style="list-style-type: none"> <li>We ask Northland Inc to carefully consider and justify any increase in the operational funding request from the Investment and Growth Reserve (IGR) for 2025/26 and 2026/27 above that forecast in the current 2024/25 SOI, i.e. \$2.4 million and \$2.464 million respectively. Inflation has come down and is likely to sit in the Reserve Bank's target range of 1%-3% for the foreseeable future. Each shareholder council has taken steps to review their own internal expenditure and carefully consider expenditure increases.</li> <li>Furthermore, the forecast Northland Inc operational funding for 2025/26 and 2026/27 set out in the current 2024/25 SOI makes available nearly \$1 million for allocation through the Enabling Investment category of the IGR. This provides us with a good opportunity to support projects in the region, including the potential to co-fund RIF projects. An increase in Northland Inc operational funding will come with an opportunity cost of not being able to</li> </ul>



	<p>support projects through Enabling Investment. We have it clear in past letters of expectations that we wish to have this ability.</p> <ul style="list-style-type: none"> <li>• In preparing the budget and the operational funding request, we would like you also to consider that the current financial commitment of Whangarei District Council's (WDC) is limited to a two-year period ending 2025/26. The forecast operational funding request for 2026/27 as set out in the current 2024/25 SOI is of a level which means that the committed deposits into the IGR from the three other shareholder councils is just enough to provide for Northland Inc operations and Project Development funding, leaving nothing for Enabling Investment.</li> <li>• However, we recognise that some changes may be required. But any increase in operational funding above current forecast levels should go through a thorough process detailing why it is needed.</li> <li>• Finally, we would like to hear the work being done to generate income from other sources.</li> </ul>
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As noted above, WDC's commitment to joint ownership of Northland Inc and its funding contribution to the IGR beyond an initial two-year period is subject to a review process. This review will need to be completed in the 2025 December quarter, i.e. shortly after next year's local body elections. The shareholders request that Northland Inc provide information and develop indicators/measures to help this review. These are not formal KPIs of Northland Inc but indicators to help the review process. There are two main areas requiring consideration.

- Evidence showing "return on investment" – what do councils receive for the money that is provided to Northland Inc
- Evidence showing "efficiency" – what difference does Northland Inc make to projects

Finally, I would like to thank Northland Inc for the valuable insight and support that it has provided to the Joint Committee. Specifically, I would like to thank and acknowledge the Northland Inc directors who have taken the time to attend Joint Committee meetings during 2024. Developing a strong governance-to-governance relationship between shareholders and Northland Inc is crucial. I would like to take this opportunity to encourage all Northland Inc directors to engage with their shareholders through the Joint Committee. If there is anything we can do to facilitate this occurring in a better way than it is currently, please let me know.

We look forward to another productive year in 2025, working together to lift the economic wellbeing of all Northlanders.

Yours sincerely



**FNDC Cr John Vujcich**

**Chair of Joint Regional Economic Development Committee**

CC FNDC Cr Penetaui Kleskovic (Deputy Chair), KDC Mayor Craig Jepson, KDC Deputy Mayor Jonathan Larson, WDC Mayor Vince Cocurullo, WDC Deputy Mayor Phil Halse, NRC Chair Geoff Crawford and NRC Deputy Chair Tui Shortland



16 December 2024

Suzanne Duncan and Paul Linton  
Chair and Chief Executive Officer  
Northland Inc. Limited  
PO Box 1762  
Whangārei 0140

Sent by email: [huhana.duncan@gmail.com](mailto:huhana.duncan@gmail.com) and [paul.linton@northlandnz.com](mailto:paul.linton@northlandnz.com)

Dear Suzanne and Paul

**NORTHLAND INC LTD: PROPOSAL ON MANAGING INTERNATIONAL INWARD DELEGATIONS**

I am writing on behalf of the Joint Regional Economic Development Committee (Joint Committee) to formally request Northland Inc Limited (Northland Inc) to prepare a report outlining the current and potential future scope of its activities relating to the management of international inward delegations that have a focus on economic development. This request is made in follow-up to the discussion held on this issue at the Joint Committee meeting on 6 December 2024.

As part of our shared vision to foster economic growth and collaboration across Northland, understanding and enhancing the region's approach to engaging with external delegations is vital. To that end, the Joint Committee requests that the proposal include the following:

1. **Status Quo:** An overview of Northland Inc's current activities and practices in managing international inward delegations, including key statistics, operational frameworks, and any associated challenges or limitations.
2. **Expansion Options:**
  - Two or more scalable options to expand the scope of this service, including potential benefits, resource and funding implications, and alignment with Northland's strategic economic priorities.
  - Consideration of how enhanced management of international inward delegations could strengthen Northland's economic development objectives and partnerships.

We would appreciate it if this proposal could be prepared and presented at the Joint Committee's scheduled meeting on 7 March 2025. The Joint Committee values Northland Inc's expertise and leadership in economic development and looks forward to your insights on how to optimise this important area of activity.

Should you require any further clarification or support as you develop this proposal, please do not hesitate to contact me. We are committed to ensuring Northland Inc has the governance guidance necessary to deliver meaningful outcomes.

Thank you for your attention to this matter, and we look forward to your presentation in March.

Yours sincerely



**FNDC Cr John Vujcich**

**Chair of Joint Regional Economic Development Committee**

CC FNDC Cr Penetaui Kleskovic (Deputy Chair), KDC Mayor Craig Jepson, KDC Deputy Mayor Jonathan Larson, WDC Mayor Vince Cocurullo, WDC Deputy Mayor Phil Halse, NRC Chair Geoff Crawford and NRC Deputy Chair Tui Shortland

25 February 2025

**Chair of Joint Regional Economic Development  
Committee (JREDC)  
Northland Regional Council  
Private Bag 9021  
Whangārei 0148**

Sent by email:

Tēnā koe

## **Northland Inc Limited: Draft Statement of Intent 2025/26 - 2028/29**

E ngā mana, e ngā reo, e ngā karangatanga maha o Te Taitokerau, tēnā koutou katoa.

Nei rā te mihi ki a koutou, e ngā māngai o ngā kaunihera e kawe nei i ngā wawata o tō tātou rohe. Ko koutou ngā pou here, ngā pou whakatakoto i te huarahi mō te whanaketanga o Te Taitokerau, kia toitū te taiao, kia toitū te hapori, kia toitū te ohanga.

In accordance with statutory obligations, please find attached the draft Statement of Intent 2025/26 - 2028/29 (SOI).

## **Amendments**

We have made changes to the draft SOI in response to the JREDC Letter of Expectation (LOE) to Northland Inc of 12 December 2024. Key points are outlined below.

## **Objectives**

The SOI is consistent with the direction discussed at JREDC and it aligns with our strategy which the Board reviewed in 2024.

We now have 4 Strategic Priority areas and 6 Enablers. We promoted the Innovation & Enterprise Enabler to be a Strategic Pou given the importance of small businesses to Northland (being the majority of our businesses).

Our objectives in our SOI neatly align with the Northland Mayor Forum Strategic Priorities.

1. Connecting Northland – implementing a quality transport system – 4 lane expressway, better roading network across region
2. Northland as an economic hub – develop regional economic hubs Marsden Point/Ruakākā, Kaikohe, repurpose refinery, improve rail infrastructure, Northport, dry dock, regional education centres, support local businesses, Ngawha Innovation Park and similar
3. Housing and Associated Infrastructure – urban housing, Māori housing, community housing, key infrastructure to support the community
4. Create resilient infrastructure in Northland by improving critical services and ensuring our communities are ready and supported around climate change
5. Local Government as a trusted partner with central government

We also align with Te Rerenga – in particular the three main sections:

1. Our Environment – Key Mission: Drive innovative solutions to build environmental resilience
2. Our People – Key Mission: Grow skills and talent
3. Our Economy – Key Mission: Boost infrastructure and investment

In particular this links well with Northland Inc looking at a multi-year view for the economy, ensuring the environment is taken into consideration in our activities, that we are focused on our people (housing, education, workforce, employment) and the Priority Pipeline in Te Rerenga aligns well with both Northland Inc's work and with the Mayoral Forum priorities – particularly infrastructure, investment and regional co-ordination.

## Activities

With regard to activities JREDC has asked that if Northland's Regional Deal is chosen, Northland Inc makes this a priority and reprioritise our other activities accordingly.

JREDC has also asked Northland Inc to work with shareholder councils to help emphasise the brand identity of Northland. This work has already started through the Destination Management Plan Leadership Advisory Group with Councils represented on.

## Key Performance Indicators (KPI)

JREDC has asked Northland Inc to incorporate the following additional KPIs:

### 1. Return on Investment to Shareholders

Annual reporting of the economic impact generated by Northland Inc supported projects, with a targeted return on investment benchmark

### 2. Major Projects and Successful Outcomes

Annual reporting on high-impact projects completed, including qualitative case studies to illustrate Northland Inc's role in securing funding, strategic support, and project implementation.

### 3. Regional Focus and Priorities

Annual reporting on strategic project alignment with district specific economic priorities, detailing investment distribution across Whangārei, Kaipara, and Far North districts

We understand the intent of these additional KPIs and we believe it appropriate to trial this type of analysis and reporting outside of the formal SOI /KPI process. This will allow us to find the best metrics to use and if it proves useful we can incorporate it as a suitable metric in the next SOI. We would also note that this report would be useful for WDC's review process but if done as part of KPI's this year it will not be completed in time.

With regard to return on investment to shareholders and a targeted return benchmark for Northland Inc supported projects – we acknowledge the need to clearly demonstrate the impact of our activities. An economic impact assessment and ROI model to meet this KPI could cost \$100-200K to be completed independently and properly.

To provide our shareholders with timely information that can be used to demonstrate impact, a more cost-effective way may be sampling key customers and projects for direct feedback on key projects Northland Inc has initiated, such as Savour Northland (Destination promotion) or our impact in the business growth area with businesses, and report on key projects that we have provided feasibility funding towards.

With regard to new major projects and successful outcomes we suggest a change of wording from high impact projects **completed** to high impact projects **supported** (given many are multi-year projects). We also note that case studies are not KPI's but this qualitative information might be better incorporated into our quarterly and annual reporting.

We also suggest in terms of regional focus and priorities that the term **investment distribution** be amended to "**activity across** Whangārei, Kaipara, and Far North districts" as Northland Inc work is across several areas from tourism promotion to small business support and advocacy. Investment distribution could be construed as inward investment only.

## Finance

JREDC has asked Northland Inc to carefully consider and justify any increase in the operational funding request from the Investment and Growth Reserve (IGR) for 2025/26 and 2026/27 above that forecast in the current 2024/25 SOI, i.e. \$2.4 million and \$2.464 million respectively.

We have noted that guidance and are not requesting any further funds for current activity beyond that forecast in the current SOI i.e. \$2.4 million and \$2.464 million respectively. Outside of this, we are proposing three areas of additional activity:

1. We have been requested to provide a proposal to JREDC for an Inward Delegations role for all four councils. We address the specifics of that request in a separate paper. To resource that additional role requires an additional \$90,000 per annum for a 0.5 FTE role (or \$160k for a full time role)– the budget consisting of salary, overhead and a budget for entertaining and transport costs of visitors.
2. We have now fully established our **primary sector function** (as articulated in the activities section of the SOI) and have been delivering on our Tuputupu Strategy as well as our SFFF funded project (Pūtaka Whakatupu). The primary sector is the largest contributor to GDP in Northland. This funding from both the SFFF and the I&GR) comes to an end in October 2025. For our primary sector team to continue the work in the optimizing land use, value-add manufacturing, commercializing opportunities and supporting Māori led initiatives (including Ngawha Park and Food North) this unit needs secure funding into 2026 and beyond. We will seek project-based funding externally but need to fund the core team to deliver the projects. If we wish this team to continue, this would cost around \$250K annually.
3. There are risks around our **Small Business Support Programme** with the Regional Business Partner Network being wound down by Central Government by the end of 2025 – with no new programme yet identified or the format of that programme communicated. The cost to run the small business support programme is around \$300K in Opex and \$200K in capability uplift funding. We also note that the KPI's for this area will be adjusted slightly as we manage short term contract extensions from MBIE and uncertainty around the Callaghan R&D services and grants distribution channels.

## Whangārei District Council Contribution

We are pleased and grateful that WDC has joined Northland Inc and for their financial contribution. We are conscious that any 'beyond forecast' SOI budget could come out of the IGR – and we also desire to build these up to invest in projects across the region.

## New Income Sources

The Board and Executive undertook some revenue generation strategy work late 2024. We now have

some clear plans and directions that we are exploring especially in the area of capital raising for Northland projects, a Centre of Excellence/PMO, and some primary sector-based projects.

## Whangārei District Council Commitment

We note the request to provide information on the review process leading to the next WDC decision on whether to extend their membership beyond the two-year period. In particular:

- *Evidence showing “return on investment”* – what do councils receive for the money that is provided to Northland Inc
- *Evidence showing “efficiency”* – what difference does Northland Inc make to project

As noted above, a more cost-effective way of gathering suitable evidence may be a sample-based case study approach based on key projects in the Whangārei District, which we could do leading into the December review.

## Moving Forward

We value the open, collaborative and positive relationship with our shareholders and look forward to continuing to deepen this relationship over time with JREDC.

Accordingly, we look forward to discussing the draft SOI and proposed KPI measures at our meeting on 7 March 2025.

We are thankful for the support and guidance of JREDC and look forward to finalising our SOI together.

Heoi anō, ka nui te mihi ki a koutou mō tō koutou tautoko me tō koutou whakapau kaha ki te whakatupu i te oranga o Te Taitokerau. Mā te mahi tahi, ka taea te whakatutuki i ngā wawata ō tō tātou rohe.

Ngā mihi nui, me ngā manaakitanga ki a koutou katoa.



**Suzanne Duncan**  
Chair



**Paul Linton**  
Chief Executive Officer

Attachments

Draft Statement of Intent 2025/26-2028/29 including draft budget.



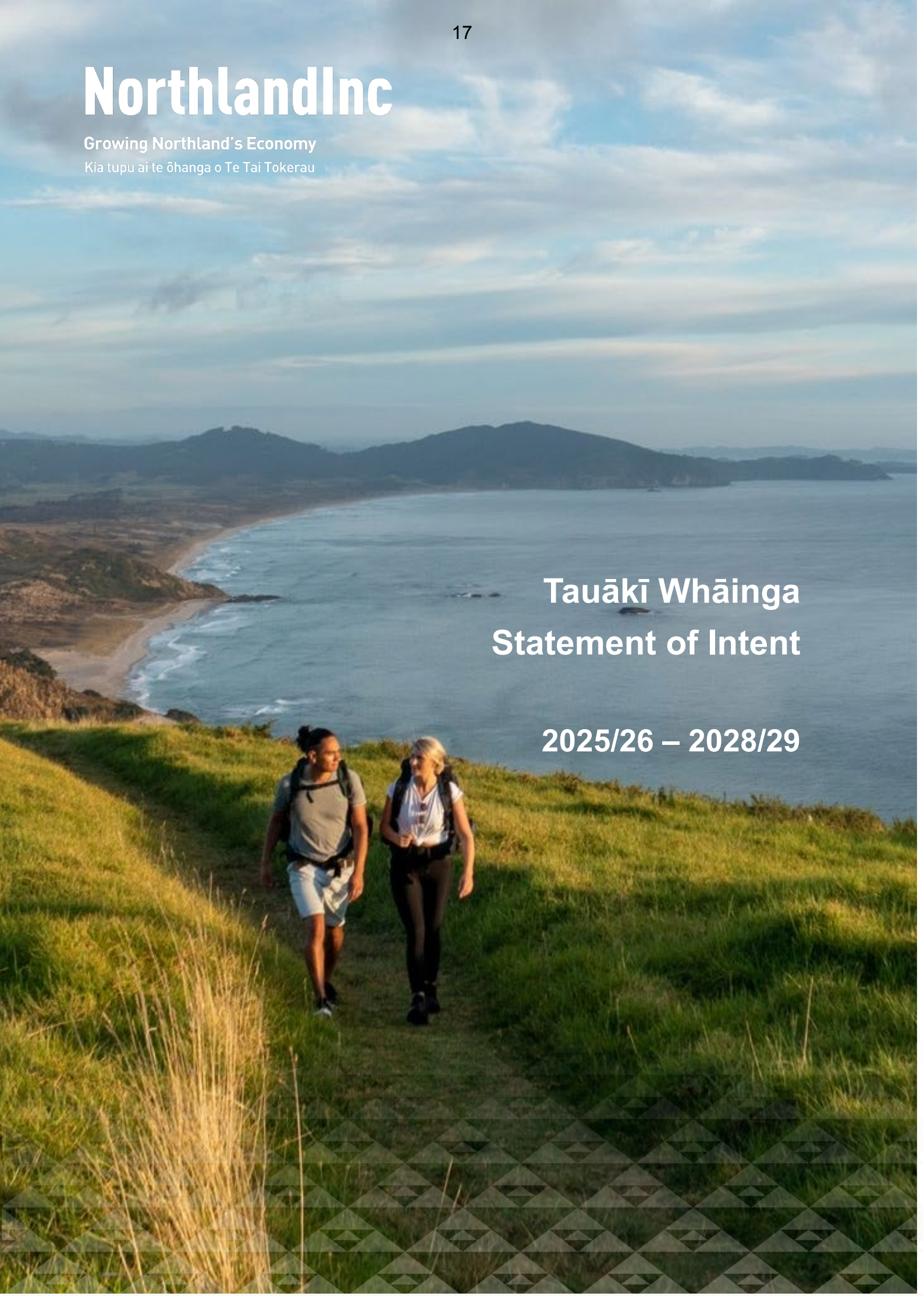
# NorthlandInc

Growing Northland's Economy

Kia tupu ai te ōhanga o Te Tai Tokerau

## Tauākī Whāinga Statement of Intent

2025/26 – 2028/29



DRAFT

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## 1 WHAKATAUĀKĪ

"He pukepuke moana, e ekengia e te waka"  
A choppy sea can be navigated.

The coast is synonymous with Te Tai Tokerau Northland and suggests that although there are challenges, we can overcome them with intent.

## 2 KUPU WHAKATAKI - INTRODUCTION

The Board of Directors of Northland Inc Ltd (Northland Inc) present this Statement of Intent (SOI) as a public declaration of the activities and intentions of Northland Inc Ltd in accordance with the requirements of Clause 9 of Schedule 8 of the Local Government Act 2002 (the Act).

Northland Inc is a Company registered under the Companies Act 1993, a reporting entity for the purposes of the Financial Reporting Act 1993. It is owned by Northland Regional Council (NRC), Far North District Council (FNDC), Kaipara District Council (KDC), and Whangārei District Council (WDC), herein referred to as the 'Shareholders'. By virtue of the Shareholders right to appoint directors, Northland Inc is a council-controlled organisation (CCO) as defined under Section 6 of the Local Government Act 2002.

Northland Inc is partially funded by operational contributions from the Shareholders and is project funded through other public and private agencies, with central government being the next largest contributor.

The organisation is governed by a board of five directors appointed for three years (or as otherwise specified from time to time by the Shareholders). The Board Chair is elected by the directors. Operational activity is led by the Chief Executive Officer.

This SOI is the guiding governance tool and terms of reference for Northland Inc and defines the key performance indicators (KPIs) as agreed by the Shareholders. It outlines the Directors' accountabilities to the Shareholders for performance of the business.

Northland Inc aims to provide vision, aspiration, leadership and unity-of-purpose in sustainable economic development for Northland through all its communications and stakeholder engagement. Northland Inc will work with key industry sectors in Northland to address market failures, facilitate value-added activities and value chain improvements, increase exports, and provide business, job and investment opportunities.

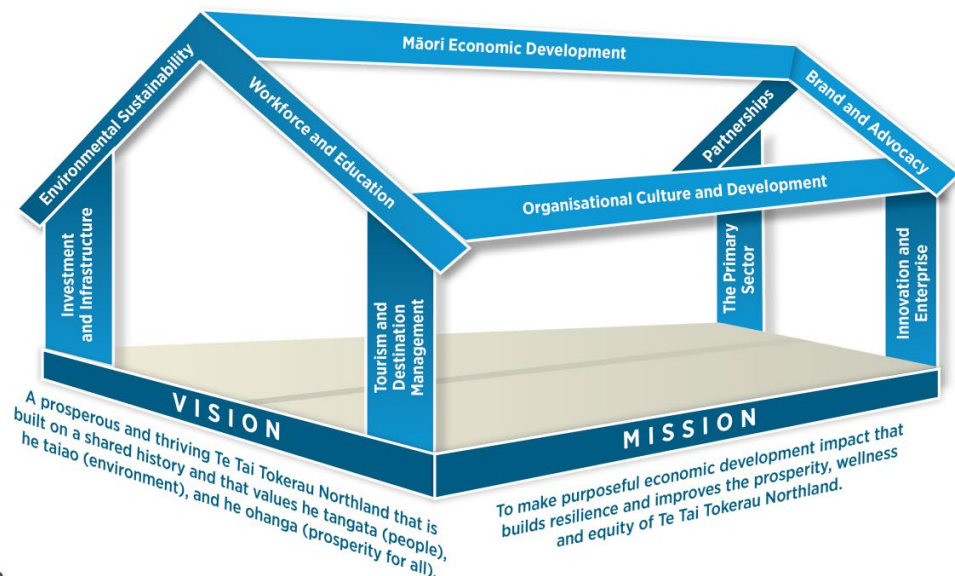
At its core, regional economic development is about improving the livelihoods of the Te Tai Tokerau Northland's people.



### 3 HE POU MAHI – VISION AND MISSION

Northland Inc works with organisations and institutions in Te Tai Tokerau Northland and public and private sectors with a common purpose to identify and focus on those activities and relationships that will strengthen, diversify, and grow Te Tai Tokerau Northland's economy to help support strong communities and environmental sustainability. The figure below is a visual representation of how we approach our work as the combined Economic Development Agency and Regional Tourism Organisation.

## Our Strategic Framework



**Northland Inc**  
Growing Northland's Economy  
Kia kōwhiri te Ohanga o Te Tai Tokerau

### Tirohanga ki Mua - Vision

A prosperous and thriving Te Tai Tokerau Northland that is built on a shared history and that values - he tangata (people), he taiao (environment), he ōhanga (prosperity for all).

### Te Aronui - Mission

To make purposeful economic development impact that builds resilience and improves the prosperity, wellness and equity of Te Tai Tokerau Northland.

## ORGANISATIONAL OBJECTIVES, ACTIVITIES AND KEY PERFORMANCE INDICATORS

The following pages identify the objectives, nature and scope of activities and the key performance indicators – a ‘plan on a page’ for the nine enablers and strategic pou that make up the organisational strategy. Enablers are core, supporting or contracted activities while ‘Pou’ are areas that Northland Inc will be prioritising effort in.

There are four priority areas (Pou) – investment & infrastructure; the primary sector (Tuputupu Grow Northland), Innovation & Enterprise (e.g. the RBP team is a contracted core activity funded by Central Government) and destination management (tourism and the management of visitors and tourism resources).

There are five Enablers - , Advocacy & Brand, Māori Economic Development, Environmental Sustainability, Partnerships, and Organisational Culture & Capability. These Enablers are part of the ‘BAU’ of Northland Inc and support (‘enable’) our activities over a range of sectors and initiatives.

Each section also includes some Regional Outcomes (often macro-economic) which do not form part of the direct and measurable performance framework but are the longer-term regional scale outcomes that we hope to influence as part of our collective approach to regional economic development. Many are outside the direct control of Northland Inc. but the work Northland Inc does contribute to their outcomes.

We are guided by economic models which seek to go beyond just raising GDP. They focus on creating a society that can provide enough materials and services for all while utilising resources in a way that does not compromise our future security and prosperity. They emphasize connecting people to their local environment and hold space for indigenous knowledge. Their social foundation and ecological approach aim to enable a system-shift to a more collaborative, distributive, circular and regenerative future.

## Strategic Pou 1 – Investment & Infrastructure

### Context:

Although underpinned by primary production and manufacturing, Taitokerau Northland's economy is diverse. High-performing sectors include pastoral farming and processing, horticulture, tourism, and marine manufacturing. There is huge potential to further strengthen these areas, in addition to other emerging industries.

### Objective:

***Grow investment and business support services such that regional economic activity improves consistently year on year.***

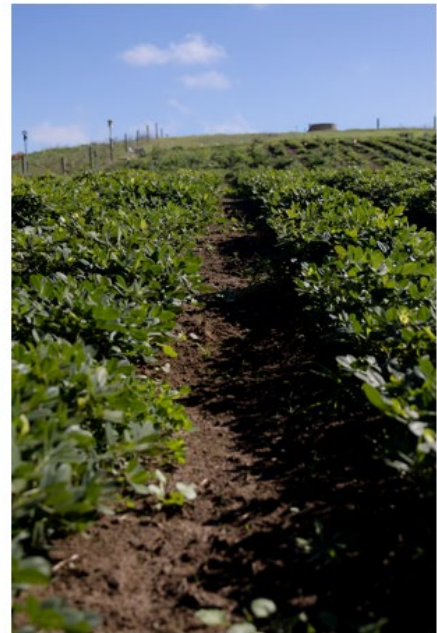
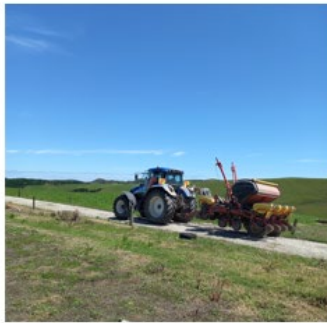
### Activity:

Following assessment and review we will prioritise activities and business ideas/proposals, with a view to applying our resources on focused impactful projects reflecting the organisational capacity at any time.

Strategically focus on attracting, nurturing, and evaluating a pipeline of promising investment opportunities that align with an impact framework. Actively engage in advocating for and securing substantial investments for the region, in collaboration with a range of different investment and delivery partners.

- Credible and proactive in the region linking projects with private investment, Councils and Government & assisting to de-risk key projects;
- Leverage the Investment and Growth Reserve to increase investment into Te Tai Tokerau Northland;
- Actively support and facilitate investment in strategic sectors (Aquaculture, Agriculture and Horticulture, Digital, Tourism, Ship and Boat Building and Repair Services) in Te Tai Tokerau Northland;
- Support and facilitate the development of new and enabling infrastructure such as renewable Energy, digital Connectivity, roads, rail, and water;
- Connected with investment providers into the Region to help direct investment to the most impactful projects;
- Credible and proactive voice for the region that is informing Government funding options and influencing priorities;
- Well informed on infrastructure challenges and opportunities in Te Tai Tokerau; Strongly connected at both regional and national levels, joining the dots to ensure equitable investment in infrastructure.

Key Performance Indicators		Target
	Number of inward delegations hosted	3 per annum
	Number of high impact projects that are being actively supported (reporting by regional strategic sectors)	4 per annum
Additional Regional Outcomes Sought		
Positive change in regional economic profile (increase in average household income, productivity, structure of economy).		
Increase in level of government investment into the region (where possible breakdown by co investment, sector and research / tertiary activity).		
Increase in the number of filled jobs in the region.		





## Strategic Pou 2 – The Primary Sector (Tuputupu Grow Northland)

### Context

Northland's economy has long depended on the economic returns and employment opportunities created by the primary and associated manufacturing sectors. In the Tuputupu framework the primary sector encompasses pastoral & arable farming horticulture, aquaculture and forestry. The changing environment is demanding adaptation, as individuals, as landowners and as business owners. As a result, landowners in particular are being confronted with significant challenges, including biophysical, climate, economic, technological, societal, legislative and personal. Adaptation and innovation in the primary and associated manufacturing sectors is critical to ensure the people and environment of Te Tai Tokerau can thrive into the future.

### Objective:

***Support and facilitate adaptation and innovation in Northland's primary and associated manufacturing sectors to ensure the people and environment of Te Tai Tokerau can thrive into the future.***

### Activity:

- Facilitate adaptation and innovation in Northland's primary sector around land use optimisation through to commercialising new agri-business opportunities for domestic and export markets.
- Facilitate and enable proposals for commercialisation and value-added manufacturing investment locally;
- Support the Ngawha Innovation and Enterprise Park;
- Collaborative engagements across - central and local government, national and regionally based sector organisations; landowners and supply chain enablers;
- Advocate for world class food and fibre businesses to be based in and grow out of Te Tai Tokerau.
-

Key Performance Indicators		Target
	Projects assisted through stages of growth	6 per annum
	Number of meaningful engagements and relationships with landowners, businesses, stakeholder that lead to and support positive outcomes.	88 per annum
	Number of businesses and landowners that as a result of engagement are exploring, developing, leading and delivering on change activity	24 per annum
Additional Regional Outcomes Sought		
Positive change in regional economic profile - living standards, productivity and contribution of primary sector to the economy.		



### Strategic Pou 3 – Tourism and Destination Management

#### Context

Tourism is integral to economic development in Te Tai Tokerau and can be strategically utilised to achieve wider economic development outcomes. Destination management provides the platform for enabling this to occur through ensuring that an integrated approach is taken across the three interdependent components of:

- Visitor experience- the destination's experience offering, including activities, attractions, supporting infrastructure, services and amenities;
- Marketing and promotion- the destination's marketing and promotional activity, creating demand and enabling the destination to be competitive, productive and sustainable;
- Resource management- 's ..management and development.

#### Objectives:

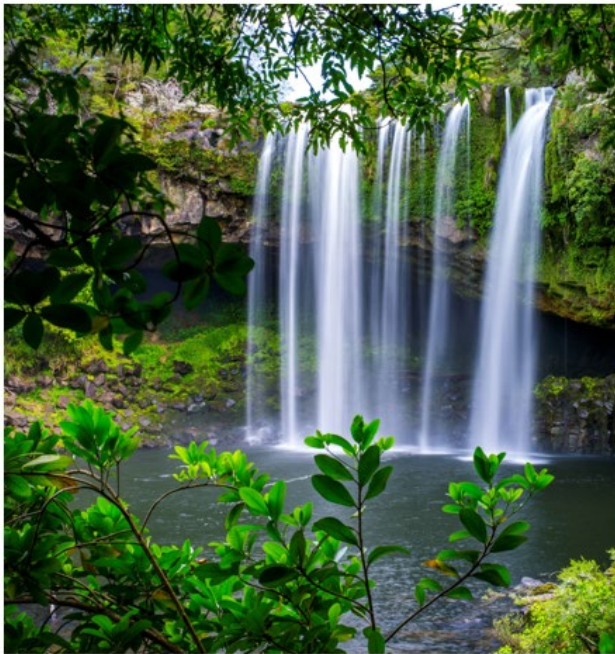
***Support Te Tai Tokerau's visitor industry through delivery of destination management and marketing activity that aims to better manage the impacts of visitation, improve the distribution of benefits and enhance our region's, heritage, and culture.***

***Position Te Tai Tokerau Northland within target markets as a desirable place to visit.***

### Activity

- Lead the Destination Management Plan (DMP) in partnership with relevant stakeholders, industry, iwi and hapū;
- Facilitate regional investment through sector collaboration groups, marketing the region nationally and internationally, and providing targeted business support for tourism operators;
- Play a key role in attracting direct investment into the region for infrastructure to support tourism and support the development of sustainable pathways for businesses operating in the region;
- Honour dual heritage and Māori story telling traditions by supporting stories told by those who have the right to tell them. A strong partnership approach with iwi, hapū, Māori tourism operators and landowners are the basis for growing this portion of the market;
- Improve regional dispersal, length of stay, expenditure, and the appeal of off-peak travel particularly through leverage of the Twin Coast Discovery programme as a region wide development framework for tourism;
- Co-ordinate, and where appropriate, lead the implementation of an Annual Regional Tactical Marketing Plan for destination marketing, in alignment with the direction of national tourism organisations and in partnership with the Te Tai Tokerau Northland tourism sector.

Key Performance Indicators		Target
	Number of destination marketing campaign initiatives to generate national exposure to the region (reporting will include number of businesses that are engaged in the campaign).	1 campaign per annum
	Number of Destination Management Plan initiatives completed in partnership with stakeholders.	2025/26: 7 2026/27: 8 2027/28: 8
Additional Regional Outcomes Sought		
Dispersal of tourism activity into the region measured through the accommodation data programme.		
Tourism activity in the region measured through TECT (electronic transactions indicating tourism spend).		



## Strategic Pou 4 – Innovation & Enterprise

### Context

Business growth is crucial for Northland's economy as it creates jobs, increases revenue, fosters innovation and competition, benefits the supply chain, diversifies the economy, and enhances the quality of life for residents. Growing businesses drive innovation, introduce new products and services, and increase competition, which benefits consumers. They also create a ripple effect in the supply chain, benefiting other local businesses.

Whatever size or stage a business is at, Northland Inc has tools and resources to help. Our role is to support businesses through their journey as a business owner – this might include employing more staff, setting up scalable business processes, identifying new finance options or exploring the export potential of products. We can also help activate innovation, accelerate commercialisation - developing new and innovative products, processes, or services, or supporting established R&D programmes.

### Objective:

***Support SME's and Start Ups who want to start or grow their business in Te Tai Tokerau Northland.***

### Activity:

We seek to partner with others to deliver this service most effectively focusing on helping owners and entrepreneurs to identify their next move., we also provide a front door for them into the many central government programmes, services and funding available to them.

- Work with Government and other Stakeholders to deliver funding, innovation, R&D and business support programmes into Te Tai Tokerau;
- Contribute towards Te Tai Tokerau Northland's journey towards a more innovative, digital and technologically advanced environment that supports our core and developing industries;
- Deliver business advice effectively across the region to support innovation, capacity and capability development through incubation services and the Regional Business Partnership, New Zealand Trade & Enterprise, Callaghan Innovation and Business Mentors New Zealand;
- Develop clusters, business networks or associations to take advantage of market development opportunities that leverage Te Tai Tokerau Northland's key sectors and comparative advantages;
- Build and sharing specialist knowledge through a business events programme and providing opportunities to access a range of capital support mechanisms for Te Tai Tokerau Northland businesses.



Key Performance Indicators		Target
	Number of business engagements assisted (includes both one to one and one to some assistance and reporting by TA and industry).	250 per annum
	Proportion of those business engagements that are Māori (by TA and industry).	2025/26: 35% 2026/27: 35% 2027/28: 35%
	Client satisfaction with businesses assistance provided by Northland Inc as measured by Net Promoter Score.	Annual net promoter score >50
Additional Regional Outcomes Sought		
Positive change in regional economic profile (living standards, productivity, structure of economy).		
Increase in the number of filled jobs in the region.		
Sustaining the number of business units in the region.		



## Enabler 1 – Advocacy and Brand

### Context

Advocacy and branding are important tools for Northland Inc to promote economic development, attract investment and talent, and build a strong, resilient economy for the region.

Advocacy efforts help promote Te Tai Tokerau Northland as an attractive destination for investment, tourism, and talent. By showcasing the region's unique assets, such as its natural beauty, Māori culture, heritage, and business opportunities, Northland Inc can attract interest and support for the region's economic development.

Advocacy also helps Te Tai Tokerau unify its voice and strengthen its relationship with Central Government by bringing the region together and seeking support for infrastructure, programmes and funding. Northland Inc is seen as a trusted channel to Central Government, and for Central Government to provide industry and business support into the region.

A strong brand identity helps distinguish Te Tai Tokerau Northland from other regions, creating a positive perception and reputation. This can attract businesses, investors, tourists, and skilled workers who are aligned with Northland's values and offerings.

A strong organisational brand and reputation positions Northland Inc regionally and nationally as a unique effective entity able to support the region.

### Objectives:

***Advocate for Te Tai Tokerau Northland to improve the economic well-being of the region, helping to support strong communities and environmental sustainability.***

***Develop and improve the profile of economic development and of Northland Inc to ensure that Te Tai Tokerau Northland understands and values the efforts of Northland Inc.***

### Activity:

- Northland Inc is proactive and well informed on both the challenges and opportunities in Te Tai Tokerau and is acknowledged as regional leader in impactful economic development;
- A respected voice for the region and a credible source for central and local government to understand the regional context and to prioritise investment, policy settings and decisions on key economic opportunities;
- Uses powerful communications and a well-connected network to improve the reputation and visibility of the region while advocating for its needs;
- Leads the implementation of the regions long-term Economic Development Strategy for Te Tai Tokerau (Te Rerenga);
- Provides economic development intelligence and insights;
- Assists with project management and delivery of economic response activities.



Key Performance Indicators		Target
	Number of regional economic development updates or reports released.	6 per annum
	Number of media features that profile the region.	24 per annum
	Number of media activity that references Northland Inc.	52 per annum
Additional Regional Outcomes Sought		
Active support from Central Government and other partners into Northland.		
Positive change in the profile of economic development and Northland Inc.		





## Enabler 2 – Māori Economic Development (“Āe Mārika”!)

### Context

The regional aspiration is to establish an equitable economic platform which enhances Māori participation in the Te Tai Tokerau Northland economy and enables whānau, hapū and iwi to be economically secure and to grow their wealth.

We are focused on building and enhancing our Māori relationships in Te Tai Tokerau to identify opportunities which deliver sustainable economic growth for our whānau, hapū and iwi. We support by Māori for Māori initiatives which recognise the mana Motuhake of Māori enterprises and collectives to lead their own economic success.

### Objective:

***Assist strategic partners in the Māori Economic Development economy with their high impact Māori economic development projects across all levels, with a specific focus on improving capacity and capability of those with whom we partner with for delivery.***

### Activity:

Respect and implement the principals of Te Tiriti o Waitangi, which support meaningful partnership with Māori.

Implement our internal capability pathway – He Korowai Manawanui – a programme of continuous cultural development that elevates the importance of Māori Economic Development and becoming a better partner for Māori with a genuine understanding of Tikanga and Te Ao Māori.

- Support tangata whenua to develop and implement their own visions and economic development plans;
- Partner with Māori organisations to deliver services to Māori businesses<sup>1</sup>;
- Connect into existing local and national Māori Economic Development activity and strategies that will support Te Tai Tokerau;
- Engage and partner with iwi, hapū, marae and the Māori community, central government agencies and other entities supporting Māori Economic Development to advance their aspirations in economic development and enable investment, business growth and completion of economic development projects;
- Work with, advocate for and support Māori businesses, trusts and entities with their aspirations for growth;
- Build a competent team (Northland Inc and partners) that operates as Te Tiriti based partners to support iwi, hapu, whānau and pakihi in achieving their economic development goals;
- Engage with MBIE on the continual improvement of the RBP delivery into the Māori Economy.

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<sup>1</sup> A Māori business is a business that is owned by a person or people who have Māori whakapapa, and a representative of that business self-identifies the business as Māori.

Key Performance Indicators		Target
	Number of iwi/hapū groups and other Māori organisations, e.g. marae, land trusts, etc. actively supported.	2025/26: 20 2026/27: 22 2027/28: 24
	Proportion of Māori organisations that are satisfied with Northland Inc support.	2025/26: >80% 2026/27: >80% 2027/28: >80%
Additional Regional Outcomes Sought		
Reduction in Māori unemployment rate in Northland.		
Positive change in the profile of economic development and Northland Inc.		



## Enabler 3 – Environmental Sustainability

### Context

In te Tai Tokerau as our export economy is predominantly biologically based this means that our long-term economic wellbeing is more reliant on the environment than other regions. The environment plays a critical role in supplying our needs for resources, food, energy, water, recreation and cultural connections and as such as a polluted or degraded environment has public health, economic and social consequences.

Pursuing environmental sustainability initiatives that give focus to reducing the impact on the natural environment can make a business more efficient, long term and less costly to run. Careful consideration and planning for climate change adaptation is also key for ensuring the sustainability of businesses within the region over time.

### Objective:

***Help Te Tai Tokerau Northland businesses achieve environmental sustainability; particularly by reducing their emissions; through partnerships that provide support and practical programmes.***

### Activity:

- Support Te Tai Tokerau Northland businesses to meet climate adaptation targets set by Central Government through access to appropriate information and tools;
- Partner to provide support to businesses with practical programmes;
- Use an environmental sustainability focus for all active projects;
- Assessing the environmental aspirations of businesses and projects;
- Utilise Te Ao Māori/Mātauranga Māori in environment/sustainability kaupapa;
- Have environmentally sustainable business practices within Northland Inc.

Key Performance Indicators		Target
	Number of businesses and organisations supported to improve their environmental sustainability.	2025/26: 30 2026/27: 40 2027/28: 50
	Number of Northland businesses taking action to reduce their emissions.	2025/26: 30 2026/27: 40 2027/28: 50
	Number of Northland businesses supported to meet climate adaptation targets set by Central Government.	2025/26: 30 2026/27: 40 2027/28: 50
Additional Regional Outcomes Sought		
Reduction of total greenhouse gas emissions per unit of GDP in Northland <sup>2</sup> .		

<sup>2</sup> In June 2019, with the Climate Change Act 2008 (2050 Target Amendment) Order 2019, the Government committed to a 100% reduction of greenhouse gas emissions by 2050 compared with 1990 levels. This is referred to as the net zero target.

## Enabler 4 – Partnerships

### Context

Partnerships are essential in economic development as they enable organisations to leverage each other's strengths, resources, and networks to achieve shared goals and drive economic development.

### Objective:

***Develop and nurture high trust partnerships across the region with those who have the capability to positively impact economic development outcomes across Te Tai Tokerau.***

### Activity:

Northland Inc is a trusted and valuable organisation to partner with that develops initiatives that have visible and measurable impact and generates positive economic development outcomes

Expand these partnerships leading to increased opportunities and resilience, creating a stronger, interconnected region.

- Develop and maintain high trust partnerships with stakeholders who impact economic development outcomes across Te Tai Tokerau;
- Northland Inc is embedded within a network of relationships that bring capabilities and contributions to key projects with shared interests;
- Partnership activity spread across Central Government, Local Government, business communities, investors and other stakeholders.

Note: KPI's and Regional Outcomes covered by other sections

## Enabler 5 – Organisational Culture & Capability

### Context

Upholding a culture of respect and support within Northland Inc is crucial for fostering employee well-being, team cohesion, and organisational reputation. A positive internal culture maintains morale, motivation, and productivity among employees, leading to better outcomes for the organisation. It also helps attract and retain top talent, strengthens relationships with stakeholders, enhancing our reputation as a supportive and respected organisation

### Objective:

***Uphold an internal culture where our team are respectful and supportive of one another; our histories, our whānau, and our aspirations.***

### Activity:

Our culture is supportive, encouraging and positive - supporting our people and their livelihoods.

Our capability is performance focused, fit for purpose and within resource available.

- Have quality resource that supports capability uplift in staff skills;
- Capability to deploy impact or surge capacity in times of crisis or emergency response and have a strong network of operational partners that can activate as opportunity or needs arise;
- Well-connected across the region; understands our local economy and employs highly skilled networked people;
- Attract, retain and grow appropriate talent aligned to our culture and capability needs;
- Culture of being performance and outcome driven, encouraging professional development, and personal wellbeing.

Note: KPI's and Regional Outcomes covered by other sections

## NGĀ HUA MŌ NGĀ KAIPŪPURI SHAREHOLDERS' FUNDS, DISTRIBUTIONS AND THE VALUE OF SHAREHOLDERS' INVESTMENT

### This section to be updated

Shareholders' funds (being retained surpluses plus share capital) 30 June 2023 was as follows:

	30 June 2023
Total Assets \$	2,346,086
Total Liabilities \$	2,154,512
Shareholders' Funds \$	191,574
Shareholders' Funds as % of Total Assets	8.16

Northland Inc forecasts small surpluses year-on-year. Accordingly, Shareholders' Funds as % of Total Assets will remain approximately at this level.

Northland Inc is not required to make any distributions to its Shareholders.

The value of the shareholders' investment in Northland Inc is estimated by directors to be equal to current shareholders' funds being \$191,434.

## KAIWHAKARURUHAU - GOVERNANCE

The Board will effectively represent and promote the interests of its Shareholders by seeking to fulfil its mandate as described above. The Board will discharge their duties in accordance with Northland Inc's Board Charter.

In undertaking its activities, Northland Inc will to:

- Achieve the objectives of its Shareholders, both commercial and non-commercial as specified in this Statement of Intent;
- Demonstrate ethical and good behaviour in dealing with all parties;
- Achieve active partnerships with Māori, and other key stakeholders and ethnic groups within the region, promoting effective communication where appropriate;
- Comply with all relevant legislative requirements, including those relating to the principles of the Treaty of Waitangi;
- Maintain an open and transparent approach to decision-making with its Shareholders while respecting the need for commercially sensitive information to be protected;
- Be a good employer; and
- Hold itself to the highest standards of social and environmental responsibility.

The Board will adopt the following approach to its fiduciary responsibilities to ensure good governance:

- Prepare a 3-year SOI setting out its strategic goals for agreement with its Shareholders, as shareholder;
- Establish a clear business plan which reflects the agreed SOI;

- Establish a clear performance framework and job description for the Chief Executive Officer;
- Approval of detailed operating, capital and cashflow budgets;
- Attend regular meetings to review performance and progress towards set objectives and budgets; and
- Operation of appropriate Board subcommittees to appropriately manage Risk, Compliance, Remuneration and Board performance.

The Board believes regular communication with its Shareholders is important to ensure good governance. The Board and Chief Executive will use their best endeavours to communicate in a regular and timely manner and ensure that matters are raised so there will be 'no surprises'. Established processes will be maintained to ensure regular contact between the Board, management and its Shareholders, and informal meetings will be encouraged to ensure regular communication flows regarding matters of mutual interest.

## NGĀ KAUPAPA HERE KAUTE - ACCOUNTING POLICIES

The accounting policies that have been adopted are detailed in the company's latest audited financial statements. A copy is included as **Appendix A**.

## NGĀ KŌRERO HEI TUKU KI NGĀ KAIPŪPURI - INFORMATION TO BE PROVIDED TO THE SHAREHOLDERS

Directors will formally report progress against the SOI to its Shareholders quarterly via a written report submitted within six weeks of the end of the 1<sup>st</sup> and 3<sup>rd</sup> quarters, and attendance at Joint Regional Economic Development Committee or Council(s) meetings thereafter as scheduled by Shareholders.

In compliance with Clause 66 of Part 5 of the Act the Directors will, within two months after the end of the first half of each financial year, deliver to its Shareholders an unaudited half year report containing:

- a Statement of financial Performance, Position and Cash flow as at the half year balance date
- financial forecasts for the full year and comparison to approved budgets
- commentary on progress to meeting performance targets and the expected year end position.

In accordance with Section 2 of Schedule 8 of the Act the Directors will deliver a draft SOI to its Shareholders as the shareholder by 1 March of each year for the subsequent three-year period.

In accordance with Section 3 of Schedule 8 of the Act the Directors will deliver a Board approved SOI to its Shareholders as the shareholder on or before the 30 June of each year.

In compliance with Clause 67 of Part 5 of the Act the Directors will, within three months of the end of the financial year, deliver to its Shareholders an audited Annual Report which meets the requirements of Section 68 and Section 69 of Part 5 of the Act. In addition, the Annual Report is to contain a declaration by the Board as to the compliance with the Act and specifically that the requirements of Schedule 8 have been met.



## NGĀ URUNGA, NGĀ WHIWHINGA ME NGĀ HOKONGA HOU - NEW ENTITIES, ACQUISITIONS AND SALES

Directors may not create any new legal entity, acquire shares or any equity interest in any existing legal entity or sell any interest held by Northland Inc without the specific approval of the Shareholders as the shareholder.

## KIA RAPU PŪTEA NŌ NGĀ KAUNIHERA MŌ WĒNEI TAKE - ACTIVITIES FOR WHICH LOCAL AUTHORITY FUNDING IS SOUGHT

Northland Inc reserves the right to seek compensation from time to time for the necessity to provide any service required by its Shareholders where funding has not been previously agreed.

## WĒTAHI ATU TAKE - ANY OTHER MATTERS

Northland Inc can request its Shareholders hold a confidential meeting of the Joint Regional Economic Development Committee or Council(s) meeting for discussion about commercially sensitive matters, subject to this request meeting the requirements of section 7(2) of the Local Government Official Information and Meetings Act 1987. Any report submitted by Northland Inc for formal consideration by its Shareholders should be accompanied by advice from their management.



## WHAKAMARAMATANGA-A-PŪTEA - FINANCIAL INFORMATION

A PROSPECTIVE STATEMENT OF FINANCIAL PERFORMANCE IS INCLUDED BELOW.

NORTHLAND INC Forecast Prospective Statement of Financial Performance					
Income	Actuals 23/24	Budget 24/25	Draft Forecast Budget 25/26	Draft Forecast Budget 26/27	Draft Forecast Budget 27/28
<b>BAU</b>					
CCO Opex	\$ 1,972,000	\$ 2,245,000	\$ 2,400,000	\$ 2,464,014	\$ 2,611,854
IGR Project Development	\$ 19,460	\$ 110,000	\$ 110,000	\$ 110,000	\$ 220,000
MBIE RBP	\$ 369,063	\$ 369,063	\$ -	\$ -	\$ -
WDC	\$ 107,000	\$ -	\$ -	\$ 105,000	\$ 105,000
Orchard Income	\$ 236,717	\$ 184,020	\$ 200,000	\$ 200,000	\$ 200,000
Website Income	\$ 12,900	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Other Income/Interest/gains	\$ 105,291	\$ -	\$ -	\$ -	\$ -
<b>Total BAU Income</b>	<b>\$ 2,822,431</b>	<b>\$ 2,923,083</b>	<b>\$ 2,725,000</b>	<b>\$ 2,894,014</b>	<b>\$ 3,151,854</b>
<b>BAU Expenses</b>					
Investment - IGR Project Development	\$ 19,460	\$ 110,000	\$ 110,000	\$ 110,000	\$ 220,000
Business Grow - awards	\$ 16,551	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000
RBP Partnership	\$ 75,100	\$ 75,100	\$ -	\$ -	\$ -
The Orchard	\$ 13,340	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000
Investment Activities	\$ 22,753	\$ -	\$ -	\$ -	\$ -
Destinational Management & Marketing	\$ 59,653	\$ 150,000	\$ 140,000	\$ 150,000	\$ 160,000
Salaries	\$ 1,660,807	\$ 1,725,586	\$ 1,570,903	\$ 1,613,317	\$ 1,677,849
Overheads	\$ 858,374	\$ 778,888	\$ 801,520	\$ 823,161	\$ 845,386
<b>Total BAU Expenses</b>	<b>\$ 2,726,038</b>	<b>\$ 2,858,574</b>	<b>\$ 2,641,423</b>	<b>\$ 2,715,478</b>	<b>\$ 2,922,235</b>
<b>Strategic Projects Income</b>					
Whariki	\$ -	\$ 235,000	\$ -	\$ -	\$ -
Grow Northland /Tuputupu	\$ 35,857	\$ -	\$ -	\$ -	\$ -
Ngawha	\$ 171,701	\$ -	\$ -	\$ -	\$ -
Peanuts	\$ 322,848	\$ -	\$ -	\$ -	\$ -
Action Plan	\$ 50,000	\$ -	\$ -	\$ -	\$ -
Resilience	\$ 475,793	\$ 100,000	\$ -	\$ -	\$ -
Water	\$ 4,004	\$ -	\$ -	\$ -	\$ -
Regional Strategy	\$ 10,000	\$ -	\$ -	\$ -	\$ -
Regional Events Fund	\$ 443,886	\$ -	\$ -	\$ -	\$ -
Other Project Income	\$ 658,075	\$ -	\$ -	\$ -	\$ -
<b>Strategic Project Reserves</b>					
Regional Events Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Peanuts	\$ 29,759	\$ -	\$ -	\$ -	\$ -
Ngawha	\$ 143,577	\$ -	\$ -	\$ -	\$ -
Inshore Fishing	\$ 2,348	\$ -	\$ -	\$ -	\$ -
Grow Northland	\$ 60,000	\$ -	\$ -	\$ -	\$ -
Action Plan	\$ 58,888	\$ -	\$ -	\$ -	\$ -
Regional Strategy	\$ 117,419	\$ -	\$ -	\$ -	\$ -
Resilience	\$ -	\$ 24,375	\$ -	\$ -	\$ -
Whariki	\$ 333,924	\$ 235,000	\$ -	\$ -	\$ -
<b>Total Strategic Projects Income</b>	<b>\$ 2,918,079</b>	<b>\$ 594,375</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Strategic Projects Expenses</b>					
Whariki Activities	\$ 131,262	\$ 118,449	\$ -	\$ -	\$ -
Ngawha	\$ -	\$ 30,000	\$ -	\$ -	\$ -
Grow Northland	\$ 17,302	\$ 25,000	\$ -	\$ 84,500	\$ 165,000
Regional Event Fund	\$ 429,126	\$ -	\$ -	\$ -	\$ -
Action Plan	\$ 9,018	\$ -	\$ -	\$ -	\$ -
Inshore Fishing	\$ 2,348	\$ -	\$ -	\$ -	\$ -
Resilience	\$ 470,016	\$ -	\$ -	\$ -	\$ -
Other Project Expenses	\$ 909,898	\$ -	\$ -	\$ -	\$ -
Strategic Salaries	\$ 900,712	\$ 321,965	\$ -	\$ -	\$ -
Overheads	\$ 48,301	\$ 53,961	\$ -	\$ -	\$ -
<b>Total Strategic Project Expenses</b>	<b>\$ 2,917,983</b>	<b>\$ 549,375</b>	<b>\$ -</b>	<b>\$ 84,500</b>	<b>\$ 165,000</b>
<b>Total Income BAU &amp; Strategic Projects</b>	<b>\$ 5,740,510</b>	<b>\$ 3,517,458</b>	<b>\$ 2,725,000</b>	<b>\$ 2,894,014</b>	<b>\$ 3,151,854</b>
<b>Total Expenses BAU &amp; Strategic Projects</b>	<b>\$ 5,644,021</b>	<b>\$ 3,407,949</b>	<b>\$ 2,641,423</b>	<b>\$ 2,799,978</b>	<b>\$ 3,087,235</b>
<b>Total Net Surplus/Deficit</b>	<b>\$ 96,489</b>	<b>\$ 109,509</b>	<b>\$ 83,577</b>	<b>\$ 94,036</b>	<b>\$ 64,619</b>
<b>Other Income/Expenses</b>					
<b>NIEP</b>					
IGR Project Development	\$ 136,055	\$ 190,000	\$ 190,000	\$ 190,000	\$ 80,000
Tenant Income	\$ 165,714	\$ 100,000	\$ 120,000	\$ 120,000	\$ 60,000
<b>Total NIEP Income</b>	<b>\$ 301,769</b>	<b>\$ 290,000</b>	<b>\$ 310,000</b>	<b>\$ 310,000</b>	<b>\$ 140,000</b>
<b>NIEP Expenses</b>					
Overheads	\$ 324,071	\$ 330,654	\$ 324,400	\$ 333,158	\$ 168,752
Salaries	\$ 66,431	\$ 68,557	\$ 68,340	\$ 70,185	\$ 35,376
<b>Total NIEP Expenses</b>	<b>\$ 390,502</b>	<b>\$ 399,211</b>	<b>\$ 392,740</b>	<b>\$ 403,343</b>	<b>\$ 204,128</b>
<b>Total Net Surplus/Deficit Other Income/Expenses</b>	<b>-\$ 88,733</b>	<b>-\$ 109,211</b>	<b>-\$ 82,740</b>	<b>-\$ 93,343</b>	<b>-\$ 64,128</b>
<b>Total Net Surplus/Deficit</b>	<b>\$ 7,756</b>	<b>\$ 298</b>	<b>\$ 837</b>	<b>\$ 693</b>	<b>\$ 491</b>

## APPENDIX A: NGĀ KAUPAPA HERE KAUTE - ACCOUNTING POLICIES

### 1. Statement of Accounting Policies

#### ***BASIS OF PREPARATION***

The financial statements have been prepared in accordance with Tier 2 Public Benefit Entity (PBE) Financial Reporting Standards as issued by the New Zealand External Reporting Board (XRB). They comply with New Zealand equivalents to International Public Sector Accounting Standards Reduced Disclosure Regime (NZ PBE IPSAS with RDR) and other applicable Public Benefit Entity Financial Reporting Standards as appropriate to Public Benefit Entities.

The entity is eligible to report in accordance with Tier 2 PBE Accounting Standards on the basis that it does not have public accountability and is not large. The entity transitioned to PBE Standard Tier 2 from 1st July 2016.

The financial statements have been prepared accordance with the Local Government Act 2002, which requires compliance with generally accepted accounting practice in New Zealand ("NZ GAAP"). [LGA. 111].

The entity is deemed a public benefit entity for financial reporting purposes, as its primary objective is to provide services to the community for social benefit and has been established with a view to supporting that primary objective rather than a financial return.

#### ***CHANGES IN ACCOUNTING POLICIES***

Previously adopted Public Benefit Entity Simple Format Reporting - Accrual (Not-For-Profit). The impact of new and amended standards and interpretations applied in the year was limited to additional note disclosures.

27 February 2025

**Chair of Joint Regional Economic Development  
Committee (JREDC)  
Northland Regional Council  
Private Bag 9021  
Whangarei 0148**

**Email:**

Dear John

## **The Challenge**

Northland has a number of projects that need capital and investment into New Zealand does not flow to Northland easily. To better position these projects, actively packaging them up and pursuing capital is necessary.

Inward Visitor Delegations form a part of Northland Inc's overall direction following a review of our strategy and would be part of an enhanced and project-focused investment strategy. It is tasked with linking finance into key projects across Northland to create wealth and jobs locally – working with multiple partners, project owners, local and foreign investors, brokers and Central Government.

## **What Is Foreign Direct Investment**

International Inward Delegations link Foreign Investors into local projects i.e. in an economic sense – noting there are also social, community and cultural links. This is part of Foreign Direct Investment (FDI) and is a common strategy for national and regional growth – especially for smaller nations with limited capital and local markets but large resource potential, particularly for export or international visitors.

FDI, when managed well and with the right partners– creates a number of benefits:

1. Local jobs through additional capacity and enhanced capability through training locals and new process and management skills
2. Stimulates the local economy through supply side demand, value chains, exports, local rates and taxes and local employment
3. Access to new technology and skills i.e. tech transfer
4. Increased levels of Research and Development.
5. Improved capital inflows.
6. International relationships with host country, corporate / investor leading to further international opportunities

FDI also has risks that need to be managed:

1. Cultural understanding and affinity between international investor and local project owner
2. Competition for local skills and labour
3. Where do the profits go? If the investor brings it its own staff to run the project and repatriates all the profit – what benefit is there to Northland? This needs to be managed in terms of training

local staff into the investment and re-investment of profits locally where possible and economically viable

4. Environmental implications – any investor into Northland needs to align with what is good for Northland, not just a singular commercial imperative
5. Overseas Investment Office processes and rules – the OIO is currently being reviewed to make it more investor friendly. The Government intends to change the current rules by replacing the OIA's premise that it is a privilege to own assets in New Zealand. The new starting point is that investment can proceed unless there is an identified risk to New Zealand's interests.

Given the above, this is a good time to start being active in attracting FDI into Northland, and is consistent with the current Government's economic growth strategy.

## International Inward Delegations

Inward delegations when researched and managed well can be beneficial. They are generally on an official basis through an Embassy, High Commission or country-focused business/trade association or representative. They are often small groups of business investors looking for opportunities to develop or partner within New Zealand – and Northland will be only one of several regions they will visit – so this is a competitive landscape.

Good management of an international delegation starts when the delegation is still in its home country – working with the coordinating body to identify and profile the investors and their investment interests. Work then needs to be undertaken to match those interests with Northland projects and develop a regional itinerary, project site visits and meetings. Part of that process is having investment ready profiles of key projects looking for partners with local partners active and willing to genuinely engage.

Once in region the delegation has to be met at the airport or arrival facility, transported to accommodation (already pre-booked), hosted (dinners, functions and local tourism) and then taken around to see key projects and project owners. Good planning and logistics is essential – all time consuming.

Following the introduction activities and site visits, follow up work needs to be done to qualify real interest (as not all members of the delegation will see something that interests them) and then develop a bespoke plan with that investor and project owner to further pursue.

Other stakeholders may also be involved such as MFAT, NZTE/InvestmentNZ, OIO, iwi/hapū representatives, investment brokers and local investors – so time also needs to be spent in the ecosystem depending on what the project is.

## Northland Inc's "The Landing Pad"

There is an existing service in Northland Inc that is set up to facilitate investment into Northland. It provides developers, investors and businesses with a central point of contact at Northland Inc where they are assisted through their investment journey and helps access available support and networks.

The key features of the current service are:

- Providing and profiling investment opportunities
- Connecting new investors with existing businesses/opportunities who have recently located to Northland
- Access to local networks and connections including central and local government agencies, key decision makers, connections to funding and workforce guidance
- Tours of the locations of interest and assistance with site selection
- Assistance navigating the council permission process needed to operate a new business
- Complementarity and synergy with other local businesses

Linking and facilitation are the focus of the service, more so than a deal brokering or deal-making service. We do, where possible, support these activities, including projects across the North (often under NDA).

### *Council Activity*

There is varying capacity and capability to manage inward delegations across the four Northland councils. Some councils have a regular flow of international inward visitor and some areas elected councilors themselves are doing the international inward delegation work. These delegations are wide-ranging and can be time-consuming. A structured approach can provide a return on that time and investment.

*Kaipara District Council* – KDC have a number of individual investor projects in the district that the Council has been involved in.

*Whangarei District Council* – WDC hosts Diplomatic Corp groups, individual Embassy/High Commission delegations and various investor groups on a regular basis. The challenge here is to move these discussions from “meet and greets/dinners” to something more material that will benefit Northland. There are also regular requests for “Sister City” or “Friendship” agreements.

*Far North District Council* - FNDC has had a number of inward delegations – particularly from Chinese interests linking education and tourism activities. These delegations have involved FNDC elected members but are time intensive.

### **Future State**

We are not currently well-resourced to actively manage formal international inward delegations (see above for what would be needed in terms of operational activity) compared to one-off private sector enquiries. Note also Northland Inc.'s role is to work with inward delegations linked to economic growth (including tourism investment), not to manage social and cultural inward visits. This would remain a core council activity although there would be links.

Our proposed future state is an international inward investor operating model working under an enhanced investment push in tandem with the four councils of Northland, iwi/hapū investment aspirations and private business opportunities focused on raising the standard of living and providing employment for Northlanders.

This service would also provide input into specific investment initiatives/projects that may come out of a Regional Deal process (if Northland is invited) that need capital and partners.

We would employ a person (0.5 FTE or 1.0 FTE with a hosting budget) as part of this team to manage international inward delegations (economic focus).

The operational activities of this service would be:

- due diligence on those groups saying they wish to invest in Northland and requesting assistance once in the region to view potential investment, profiling individual delegation members as to their specific investment interests and backgrounds
- promoting a qualified pipeline of suitable local projects that match the investment interests of the inward delegation members, prepared well with clear investment criteria and returns, that can be discussed with project owners around the region, also includes regional aspects such as iwi aspects for Māori land, council regulations, logistics to market information and regional priorities as well as export potential and local labour force availability
- better regional co-ordination with national organisations seeking investment into New Zealand and being seen as a credible regional partner with high quality projects eg NZTE Investment team, MFAT, OIC, Fund Managers partnering with international investors eg Forsyth Barr, High Net Worth Individuals e.g. through immigration investment programme i.e. the Active Investor Plus Visa programme (\$15M+)
- introduction to local investment partners, either project owners and/or local sources of funding
- itinerary co-ordination for the inward delegation, including matching the delegation with project visits, presentations and arranging local travel, hosting dinners and accommodation (if needed) with the inward delegations' coordinator travelling with the delegation, making introductions and showcasing key projects
- follow up with delegation participants to further discussion on specific interested projects to close out interest and next steps

## Benefits

The benefits of this enhanced service would be:

- Conversion of generic international investment interest into specific investment projects in Northland, a metric around value or number of projects related to delegation numbers or interest can be developed
- Focus of international interest into the projects we see as critical priorities for Northland
- Better co-ordination between all 4 councils and alignment of resources
- Better co-ordination between Northland and Central Government investment agencies, especially useful leading into Regional Deals discussions and the initiatives that may come out of that process
- Better co-ordination with Northchamber and trade/industry associations
- Being seen internationally as a professionally focused region well set up to receive international interest and convert that into real commercial projects
- Less pressure on elected members to co-ordinate these delegations themselves, and instead to brought to meet the inward delegation in a more structured process – including presentations as well as social situations

## Options

### Option 1

A new dedicated resource of 0.5 FTE within Northland Inc as part of Northland Inc and a budget for travel, accommodation and meals to be used if needed ie if the delegation does not pay itself – or we part host.

This option is mainly a co-ordinating and logistics function (which is time consuming) working with all 4 councils and others to arrange the inward delegation, project visits, presentations, travel, accommodation and follow up.

This could be funded through a small increase in opex from 24/25.

Cost of this is estimated at \$90K per annum, \$270K over three years.

### Option 2

A full time 1.0 FTE role dedicated to inward investment as part of the enhanced Investment Team.

This role would be as Option 1 above but also support the enhanced and more active investment direction Northland Inc is going towards in developing local IM for local projects for investment – whether local or international.

Effectively this role would combine some business analysis of the projects, preparation of the investment profiles (with project owners and partners) then providing the co-ordinating and logistics function as per Option 1.

Cost of this is estimated at \$160K per annum, \$480K over three years.



**Suzanne Duncan**  
Chair



**Paul Linton**  
Chief Executive Officer





## 2.2 Public Places and Control of Advertising Signs Bylaws - Findings and options

**Meeting:** Council Briefing  
**Date of meeting:** 25 March 2025  
**Reporting officer:** Will McNab (Strategic Planner – Bylaws)  
 Nellie Evans (Cadet – Strategic Planning)

### 1 Purpose / Te Kaupapa

To discuss Council's Public Places Bylaw and Control of Advertising Signs Bylaw and seek direction on their potential replacement.

### 2 Background / Horopaki

#### 2.1 Both bylaws' review dates have lapsed, so Council must make new bylaws if it wants to continue to regulate the behaviours and activities they address

Council's Public Places Bylaw regulates disparate activities and behaviours in public places and serves as a "catch-all" for issues that do not fit neatly within other bylaws.

The Control of Advertising Signs Bylaw (Signs Bylaw) regulates the erection and display of signs on both public and private land.

Both bylaws were due for review by 24 September 2024. They have now entered their two-year "grace period" under section 160A of the Local Government Act 2002 (LGA). Council must make new bylaws by 24 September 2026 if it wants to continue to regulate the problems they address.

#### 2.2 Staff have produced preliminary findings reports to help Council discuss and provide direction on potentially making new bylaws

Because both bylaws' review dates under section 158 LGA have lapsed, they are no longer subject to a statutory review. Staff have therefore assessed the adequacy of both bylaws and provided preliminary draft findings reports in Attachments 4 and 5. These reports are intended to inform discussion and, pending Council direction, serve as baselines to aid the development of any new bylaws.

The staff review has also considered Council's Alfresco Dining Policy as it applies to outdoor dining activity on public land under Council's control.

### **3 Discussion / Whakawhiti kōrero**

#### **3.1 Both bylaws are appropriate tools to address many of the issues they regulate, but their content needs improvement**

The staff review found that both bylaws are enforceable tools that address real problems that are not regulated elsewhere.

However, both documents are flawed. They each have a purpose that exceeds Council's bylaw-making powers and much of their language is difficult to understand.

Parts of the Public Places Bylaw are inconsistent with the New Zealand Bill of Rights Act 1990, unreasonable or regulated more efficiently elsewhere. This bylaw also leaves regulatory gaps in areas like trading and potentially events and commercial filming in public places.

Parts of the Signs Bylaw unnecessarily overlap or are inconsistent with the District Plan, creating confusion. This bylaw also contains internal inconsistencies and unclear rules in crucial areas like permitted sign sizes.

#### **3.2 New bylaws would provide an opportunity to develop a “one-stop-shop” to regulate trading, commercial filming and events in the District**

Council has underregulated trading in public places since the expiry of the Hawkers, Mobile Shops, Stands and Stalls Bylaw in 2017. Combined with the lack of established, policy-led processes to manage commercial filming, events and outdoor dining in public places, this results in—

- inconsistent outcomes for the community, including health and safety risks
- a loss of media exposure for Whangārei District
- inefficient, inconsistent and poorly recorded in-house processing systems
- some legal risk to Council.

New bylaws and a wider review of the relevant application forms, permits and consents would provide an opportunity to streamline processes and enhance the District's social, economic and cultural vitality while ensuring appropriate standards for health and safety, pedestrian and vehicle access and respect for cultural norms.

#### **3.3 Staff propose a timetable designed around the election period that minimises the risk of both bylaws expiring before new ones are made**

Staff propose the following timetable to bring into effect new bylaws before the operative bylaws expire in September 2026.

**Table 1: Proposed timetable to develop new bylaws**

Jan-25	Research
Feb-25	Internal stakeholder engagement
Mar-25	Briefing (provisional findings & direction)
Apr-25	External stakeholder engagement and bylaw development
May-25	
Jun-25	
Jul-25	Briefing (issues & options)
Aug-25	Council decision (adopt statement of proposal)
Sep-25	
Oct-25	
Nov-25	S83 consultation incl. hearings
Dec-25	
Jan-26	
Feb-26	
Mar-26	Briefing (issues & options)
Apr-26	Council decision (deliberations)
May-26	
Jun-26	Council decision (make bylaws)
Jul-26	Implementation
Aug-26	

#### **4 Financial/budget considerations / Ngā pānga pūtea/tahua**

Projects to develop replacement public places and signs bylaws would be resourced through the operational budget of the Strategic Planning department.

#### **5 Significance and engagement / Te Hira me te Arawhiti**

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

#### **6 Attachments / Ngā Tāpiritanga**

Attachment 1 - Public Places Bylaw

Attachment 2 - Control of Advertising Signs Bylaw

Attachment 3 - Alfresco Dining Policy

Attachment 4 - Public Places Bylaw - Preliminary Findings Report

Attachment 5 - Control of Advertising Signs Bylaw - Preliminary Findings Report



# **Public Places Bylaw 2014**

## **September 2014**

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## 1 Introduction

This bylaw is made in accordance with the Local Government Act 2002, the Land Transport Act 1998 and the Bylaws Act 1910

## 2 Purpose

The Public Places Bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.

### Interpretation

In this bylaw, unless the context otherwise requires:

**Beach** means the foreshore between mean low water springs and mean high water springs and includes Whangarei District Council administered sand dunes.

**Busking** means performing for the public by playing a musical instrument, dancing, singing, clowning or juggling, or doing other acts of a similar nature in public places for voluntary donations.

**Central Business District** means the central business district of Whangarei as depicted in the diagram in Appendix II of this bylaw.

**Constable or Member of Police** means a person appointed under the Policing Act 2008.

**Chief Executive Officer or delegate** means the person appointed as the Chief Executive Officer of Council and includes any officer of Council acting under the delegated authority of the Chief Executive Officer.

**Council** means Whangarei District Council.

**Mobility device** has the meaning given to it in Section 2 of the Land Transport Act 1998.

**Public place** has the meaning given to it in Section 147(1) of the Local Government Act 2002.

**Road** has the meaning given to it in the Local Government Act 1974 and includes a street.

**Roller Skate** means a series of wheels attached to a framework, which can be fitted over ones shoe or a shoe with wheels attached and includes any similar thing used in a similar way.

**Skateboard** means a board mounted on sets of small wheels, for riding on and includes any similar thing used in a similar way.

**Vehicle** has the meaning given to it in Section 2 of the Land Transport Act 1998.

**Week** means the period from a Monday to the following Sunday inclusive.

## 3 Obstruction

No person shall:

- a. Leave standing or lying, nor pack or unpack upon a public place any case, crate, carton, barrow or other similar thing whatsoever so as to cause an obstruction;
- b. Push, pull or trail or cause to be pushed, pulled or trailed any heavy thing so as to obstruct or cause damage to a public place;
- c. Wilfully displays any item for sale on any mall, footpath or public place, or places any table or bench or similar thing used to display, or offer for sale any, good, service or product on any mall, footpath or public place without the prior permission of the Chief Executive Officer or delegate.
- d. Wilfully or negligently encumber or obstruct a public place in any manner, whether or not specifically proscribed in this bylaw.

## 4 Litter Bins

No person shall with respect to any litter bin on any public place:

- a. Place any flammable material or matter therein;
- b. Set light to the contents of any such bin;
- c. Use any such bin for the disposal of any offensive matter or household, shop, office or trade refuse of any kind

## **5 Footways, Verges, Grass Plots and Flowerbeds**

**5.1** No person shall on any footway (whether such footway be formed or unformed):

- a. Park any motor vehicle, trailer, caravan, cart or bicycle.
- b. Drive, ride or lead a horse in an unsafe manner

**5.2** No person shall:

- a. Cause, permit or suffer any livestock to be led, ridden or driven, upon, across, or along any grass plot, berm, or flowerbed laid out on any public place.
- b. Cause, permit or suffer any vehicle to stand, or remain standing or be driven upon, across or along any grass plot, berm, or flowerbed in any public place under the control of Council, so as to cause, or be likely to cause, any damage.
- c. Cause, permit or suffer any livestock or vehicle to be driven along or across any water channel in a public place.

## **6 Gates to Open Inwards**

No person shall hang, or permit or suffer to be hung, any door or gate abutting on any public place or in or about the entrance to any premises abutting on a public place so as to render it capable of being swung over to or across such public place.

## **7 Processions**

No person shall, without the prior written consent of the Chief Executive Officer or delegate, participate in any procession other than a funeral procession, or any meeting, gathering or demonstration, so as in any way to impede traffic or cause an obstruction or inconvenience to other persons in a public place

## **8 Distribution of Notices**

No person shall without the prior written consent of the Chief Executive Officer or delegate:

- a. Distribute handbills, tickets, pamphlets or other printed matter to any person in a public place.
- b. Expose to view, distribute or offer for sale in a public place, and placard, handbill, print or other document of an offensive or indecent character.

## **9 Begging and Soliciting Donations**

No person shall in any public place:

- a. Beg, in a manner that may intimidate or cause a nuisance to any person.
- b. Solicit any subscription, collection or donation without the prior written consent of Chief Executive Officer or delegate.

## **10 Games & Other Activities**

No person shall play any game or indulge in any sport, recreation or other activity of any kind whatsoever on any road or street, park, reserve or recreation facility to the annoyance, inconvenience or obstruction of any other person, or damage to property.

## **11 Trading**

No person shall engage in any commercial enterprise whatsoever in a public place except as may be permitted by any other bylaw, the District Plan or by the Chief Executive Officer or delegate.

## **12 Damage**

No person shall paint, damage, deface, destroy or remove any tree, shrub, flowerbed, or any building or other structure, any monument, statue, litter bin, or any other property whatsoever on any public place.

## **13 Display of Notices**

No person shall place any poster, placard, notice or other document in any public place without the prior written consent of Chief Executive Officer or delegate and where consent is given for the temporary display of notices to be attached to poles then such poster, placard or notice shall be tied or otherwise firmly secured

to such poles. The sign must be removed at that time specified and not contradict other bylaws or the district plan.

#### **14 Articles displayed for sale**

No person shall without the prior written consent of Chief Executive Officer or delegate expose for sale any article whatsoever outside any shop or other business premises so as to encroach onto any public place, or suspend any article for sale over such public place.

#### **15 Encroachment of Projections**

No portion of any building may encroach on or project over any road or street, or public place unless it complies with the District Plan and all requirements of the Building Act 2004 except:

- a. Any verandah, portico, awning, lamp or other erection or construction which has been erected in accordance with a permit issued by the Chief Executive Officer or delegate and in any case subject to such conditions as the Chief Executive Officer or delegate may determine.
- b. Any architectural features, balconies, fire escapes, bay and oriel windows erected in accordance with the provisions of this or any bylaw.
- c. Any doorstep, cellar door or other projection with the prior written consent of the Chief Executive Officer.

#### **16 Opening any Public Place**

No person shall:

- a. Without the prior written consent of the Chief Executive Officer or delegate, open any public place or footway for the purpose of installing or repairing a private service of any kind whatsoever.
- b. Obstruct or damage any culvert, sewer or drain on any public place.

#### **17 Protection of Cellars**

No person shall:

- a. Fail to keep in good repair any rail, grate, fence or cover, over or about any area or entrance or lighting place to any cellar, basement or other place opening into or upon any public place.
- b. Keep open any cellar, basement or other place for more than a reasonable time when putting articles into or taking articles out of it, or omit to protect the entrance when open for use.

#### **18 Repair of Fences**

1. Where any fence abutting onto a public place is in the opinion of the Chief Executive Officer or delegate, in a dangerous state of disrepair or is impacting on the amenity value of the area the Chief Executive Officer or delegate may by notice in writing require the owner to repair or remove such fence within a specified time.
2. Where a fence abutting onto a public place is removed the Chief Executive Officer or delegate may require a new fence to be erected where the Chief Executive Officer or delegate deems it expedient for public safety.
3. The Chief Executive Officer or delegate may by notice in writing require the owner or occupier of land which has no fence erected along a boundary between that land and a public place, to erect sufficient fence as defined in the Fencing Act 1978 along that boundary.

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

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

- a. Erect, construct or place any temporary or permanent building, tent or other structure whatsoever, or any part thereof, under, over or across any public place.
- b. Use any building, tent, caravan, vehicle or structure on any public place for the purpose of living accommodation.

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

#### **20 Building May Be Removed**

The Chief Executive Officer or delegate may remove or alter any building, structure or erection or any part thereof which has been erected, constructed or placed so as to be over, under, upon or across any public

place, in breach of this bylaw and may recover the costs of removal or alteration from the person responsible.

## **21 Lighting of Obstructions and Excavations**

No person shall, between sunset of one day and sunrise of the next day:

- a. Place or leave on any public place any material, building debris, rubbish or other thing whatsoever (whether or not with the permission of the Chief Executive Officer or delegate), without adequate approved lighting or without regard to public safety.
- b. Make any hole or excavation whatsoever in any public place without adequate barriers being erected around such excavation and without the installation of approved lighting.

## **22 Interference with Street Lamps & Warning Lights**

No person shall extinguish damage or break any street lamp, or break or damage any lamp post, or break, damage, remove or interfere with any warning light, sign or barricade placed to warn the public of danger or for any other public purpose.

## **23 Building Numbers**

- 23.1 The owner of any building shall mark the building with such number as the Chief Executive Officer or delegate shall direct or approve, and shall renew such number as often as it becomes obliterated, defaced or illegible, or as the Chief Executive Officer or delegate may order or direct.
- 23.2 No person shall destroy, pull down, obliterate or deface the number of any building or the nameplate of any street or public place, or paint, affix or set up any other number to any building or name of any street contrary to the provisions of this part of this bylaw.

## **24 Flammable Material**

No person shall leave any flammable material or matter on any public place so as to cause danger to any person or property except with the prior written consent of the Chief Executive Officer or delegate.

## **25 Planting or Removal of Trees and Plants**

No person shall plant or remove or damage any tree, shrub or flower on any public place except with the prior written consent of the Chief Executive Officer or delegate.

## **26 Vehicle Crossings over Footways**

- 26.1 No person shall drive, ride, propel or wheel any vehicle across any footway or grass plot on any public place except over a vehicular crossing constructed in accordance with this Bylaw.
- 26.2 Any person desiring the construction, repair, widening or altering of any vehicular crossing may apply and at the same time pay the prescribed fee to the Chief Executive Officer or delegate for a vehicular crossing permit.
- 26.3 Any person to whom such a permit is issued shall carry out all work in a safe manner in accordance with that permit.
- 26.4 All properties or premises require adequate complying vehicle crossings. Where a crossing is required or does not meet the appropriate council standards the Chief Executive Officer or delegate may require the owner to construct a complying vehicle crossing. Where the vehicle crossing is not installed as required the crossing may be constructed by Council at the owner's expense.
- 26.5 Where a vehicle crossing becomes damaged and in need of repair and it is established that the damage has been caused by the owner or occupier of the premises served by the crossing, the Chief Executive Officer or delegate may require that the crossing be repaired by the owner. Failure to comply with the instruction may result in the crossing being repaired by Council with the costs being recovered from the owner.
- 26.6 In complying with any consent given, an applicant shall:
  - a. Construct the temporary crossing for which permission has been given to a standard approved by the Chief Executive Officer or delegate.

- b. Ensure that all vehicles using the crossing shall be taken right across the crossing so as not to obstruct a public place.
- c. Ensure that such temporary crossing is kept well lit between sunset of any one day and sunrise of the next day, and swept clear of all debris at all times. Also removed at an agreed time or as instructed by the Chief Executive Officer or delegate.

## 27 Discharge of Surface Water

Where in the opinion of the Chief Executive Officer or delegate land adjoining, fronting or near any street or public place is so situated that surface water from or upon such land may discharge onto such street or public place in such a manner so as to cause, or be likely to cause, damage to the street or public place then the Chief Executive Officer or delegate may serve upon the owner of such land a notice in writing requiring the owner within a reasonable specified time to repair, reconstruct, or construct any work or appliance to such standard as is specified in the notice and in the event that any notice so issued is not complied with the Council may carry out work and to recover the costs from the owner.

## 28 Horses and Stock on Beaches

**28.1** No person shall:

- a. Ride, drive or lead stock, excluding horses, on any beach.
- b. Ride, drive or lead any stock or horse on any footbridge.

**28.2** Horses are generally permitted on any beach provided that no person shall:

- a. Ride, drive or lead horses on any beach in an inconsiderate, careless or dangerous manner.
- b. Ride, drive or lead horses on any sand dune.
- c. Swim horses within 100 metres of a swimmer.
- d. Unload any horse directly onto any beach from a horse float, clean out or sweep out a horse float onto any beach.

**28.3** No person shall:

- a. Ride, drive or lead horses on any beach or adjacent reserve at the locations detailed in Schedule i of Appendix I.
- b. Ride, drive or lead horses on the foreshore on any conservation area from which horses are banned at the locations detailed in Schedule ii of Appendix I.
- c. Ride, drive or lead horses on any beach that is a safe zone at the locations detailed in Schedule iii of Appendix I.

**28.4** No person shall, without the prior written consent of the CEO or delegate, ride, drive or lead any horse on any beach between the hours of 9am to 5pm on any day during the period from and including 20 December in any year to 31 January in the following year **excluding the following beaches:**

- a. Ruakaka lying between the eastern end of Mair Street Ruakaka and finishing at a line drawn directly eastward across Ruakaka Beach from the eastern end of Station Road, Ruakaka such being shown generally in Schedule iv of Appendix I attached hereto.
- b. Uretiti lying between Tip Road and finishing at a line drawn directly eastwards across Ruakaka beach from the southern point of the Uretiti Camp ground block such being shown generally in Schedule iv of Appendix I attached hereto.

**28.5** Council may by resolution add, delete or otherwise alter schedules i, ii, iii and iv in Appendix I.

**28.6** Notwithstanding clauses 28.2 and 28.3, no person shall ride, drive or lead any horse on Ruakaka Beach between Ruakaka River and Karawai Street, without the prior written consent of the Chief Executive Officer or delegate.

**28.7** Horses ridden on any beach by Police staff for enforcement purposes are exempt from the provisions of this bylaw.

## 29 Slaughter of animals

No person shall:



- a. Slaughter or skin an animal upon a public place; or
- b. Fail to dispose of in a proper manner the carcass or any part of the carcass of an animal belonging to, or in the charge or keeping of that person.

### **30 Parks and Reserves**

**30.1** The following activities are expressly prohibited in parks and reserves. Where there are approved Management Plans prepared under the Reserves Act, these provide specific provisions for uses and activities for particular parks or reserves. These documents should be read in conjunction with this bylaw, however the Reserve Management Plan will prevail.

**30.2** No person shall:

- a. Operate or drive any vehicle on any sports field, turf and garden areas of parks and reserves unless those areas are set aside and clearly marked for car parking without the consent of the Chief Executive Officer or delegate.
- b. Use any park, sports field or reserve at a time when public use of such park, sports field or reserve has been closed at the direction of the Chief Executive Officer or delegate.
- c. Use any sports field or park or reserve for any organised sports or activities, such as weddings, parties and the like, without the consent of the Chief Executive Officer or delegate.
- d. Ride a bike in any park or reserve in a manner that is dangerous or inconsiderate to other persons.
- e. Dispose or place any waste or garden material on any park or reserve, including bush and coastal dune areas.
- f. Construct or place any building or structure of any kind on any park or reserve without first obtaining the appropriate consents.
- g. Play or practice golf on any sports field, park or reserve
- h. Operate or drive a motorised water craft on any water body within any park or reserve, except that any motorized model craft may be operated provided that the water body is not reserved for wildlife.
- i. Land any aircraft, except in an emergency on any park or reserve, without the consent of the Chief Executive Officer or delegate.
- j. Possess any poison or trap used for pest control or set any such poison or trap in a park or reserve without the consent of the Chief Executive Officer or delegate.

**30.3** No person shall:

- a. Lead, ride or drive stock, excluding horses on any park or reserve.
- b. Lead drive or ride any horse on any park or reserve, provided that horses may be permitted on any reserve:
  - (i) where a Reserve Management Plan applies; or
  - (ii) where a defined, direct access route is used and any grassed area is avoided where a beach is being accessed in accordance with clause 28 of this bylaw; or
  - (iii) where that reserve is a road.

**30.4** Notwithstanding clause 30.3b, horses may be prohibited from any beach or adjacent reserve, including any access way, where in the opinion of the Council, damage has been caused to that reserve or dune or access way to the beach by the use of horses.

**30.5** Council may by resolution add, delete or otherwise alter the schedule of beaches or adjacent reserves detailed in clause 30.4.

### **31 Removal of Material from Beaches**

No person shall, except with the prior consent of the Chief Executive Officer or delegate:

- a. Remove any stone, shingle, sand, boulders, silt, mud or other material from any beach; or
- b. Interfere with or remove any portion of a fascine or groyne erected for the control of sand

### **32 Activities in the Central Business District and Town Basin**

**32.1** Subject to the following, Busking is permitted in the Central Business District and Town Basin as defined in Appendix II;

- a. For a maximum of one hour per day up to a total of three hours per week; and
- b. No person shall use an amplifier or loud hailer while busking in accordance with this clause.

**32.2** Other than in accordance with clause 32.1, no person shall, without the written consent of the Chief Executive Officer or delegate, in any public place in the central business district or Town Basin as defined in Appendix II:

- a. Set up or operate any stall or entertainment;
- b. Perform any concert, musical or sporting event;
- c. Use any amplifier or loud hailer;
- d. Cook or offer food for sale;
- e. Sell or expose for sale any goods, food, raffles or advertise any business;
- f. Perform any entertainment or play any musical instrument
- g. Set up or display any banner across the Cameron Street Mall or across any road.
- h. Conduct or hold any meeting, rally or other event
- i. Solicit any donation
- j. Drive or park any vehicle on any mall, pavement or footpath.

**32.3** Any consent given by the Chief Executive Officer or delegate may be withdrawn without prior notice at any time.

### **33 Control of Skateboards, Roller Skates and Bikes**

**33.1** No person shall use any roller skate, scooter or skateboard in any public place within the areas detailed in Appendix III provided always that the use of any wheelchair, pushchair, perambulator, trolley, cart or other transportation of disabled persons, young children, elderly persons or their personal effects shall not be a breach of this clause.

**33.2** No person shall ride a bike on the footpath or in any mall within the areas detailed in Appendix III.

**33.3** No person shall use any bike, roller-skate, scooter, mobility device or skateboard in any public place so as to cause damage to any property or person or in a manner which is without reasonable consideration for other persons using any public place.

### **34 Removal of works in breach of bylaw**

Council may:

- a. Remove or alter any work or thing that is, or has been, constructed in breach of this bylaw
- b. Recover the costs of removal or alteration from the person who committed the breach.

### **35 Seizure**

#### **Seizure of property not on private land**

Council has powers of seizure of property not on private land under the Local Government Act 2002.

An enforcement officer may seize and impound property in a public place if:

- a. The property is materially involved in a breach of this bylaw, and
- b. It is reasonable in the circumstances to seize and impound the property, and
- c. Before seizing and impounding the enforcement officer-
  - i. directed the person committing the offence to stop committing the offence
  - ii. has advised the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has the power to seize and impound the property, and
  - iii. provided the person with a reasonable opportunity to stop committing the offence.
- d. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with clause 35c.

### **36 Chief Executive Officer or delegate consent**

In any clause of this bylaw where the consent of the Chief Executive Officer or delegate is required, such consent may include conditions as deemed appropriate.

### **37 Amendment by resolution**

Council may by resolution publicly notified amend any area relating to clauses 32 and 33 of this bylaw as depicted in the appendices to this bylaw.

## **38 Offences**

**38.1** Every person who breaches a bylaw made under this bylaw commits an offence.

## **Appendix I - Horses on the beach and adjacent reserves**

### **Schedule i**

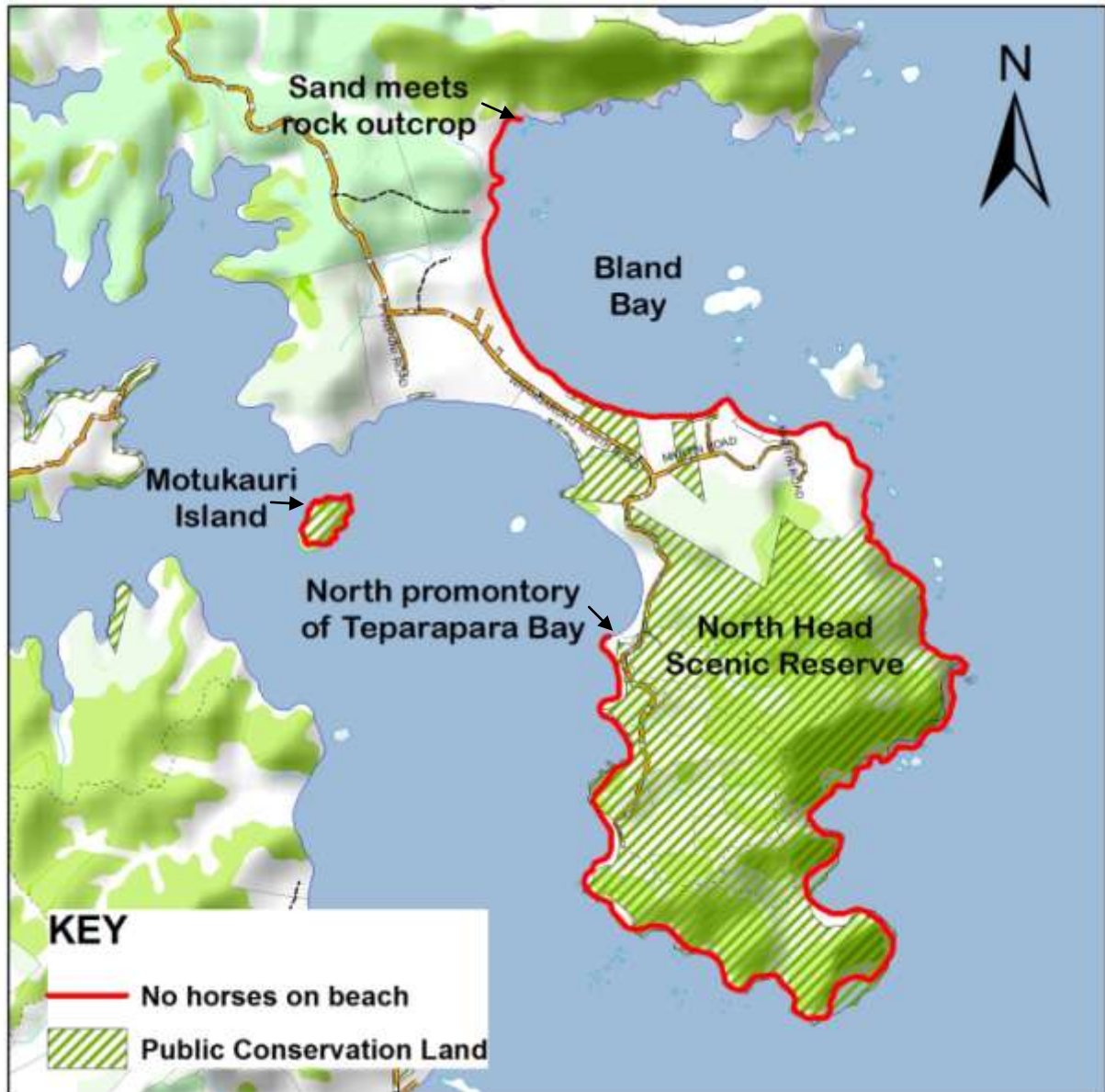
#### **Horse ban areas**

**Beaches and adjacent reserves where horses are banned (clause 28.4 and 30.3)**

## Schedule ii

### Conservation areas from which horses are banned

#### Bland Bay/Teparapara



From the northern promontory of Teparapara Bay around North Head Scenic Reserve to the northern end of Bland Bay at intersection where the sand meets the rock outcrop. Around Motukauri Island.

## Conservation areas from which horses are banned

### Bream Head/Ocean Beach

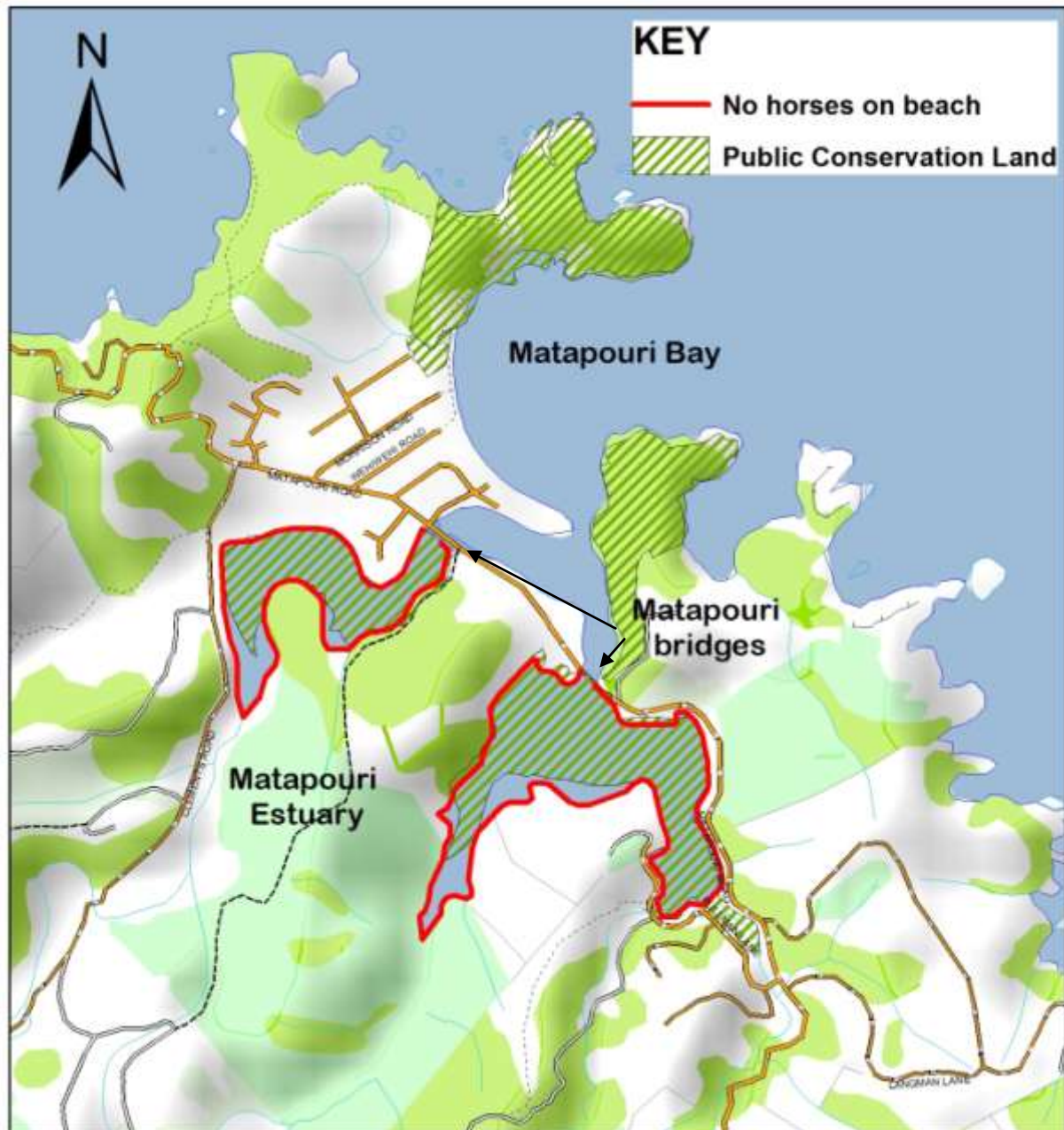


From the Urquharts Bay car park around the Bream Head reserve coast to the southern end of Ocean Beach adjacent to the rocks opposite Bream Islands. From the northern promontory on main use beach to the northern extremities opposite Awaroa rock.



## Conservation areas from which horses are banned

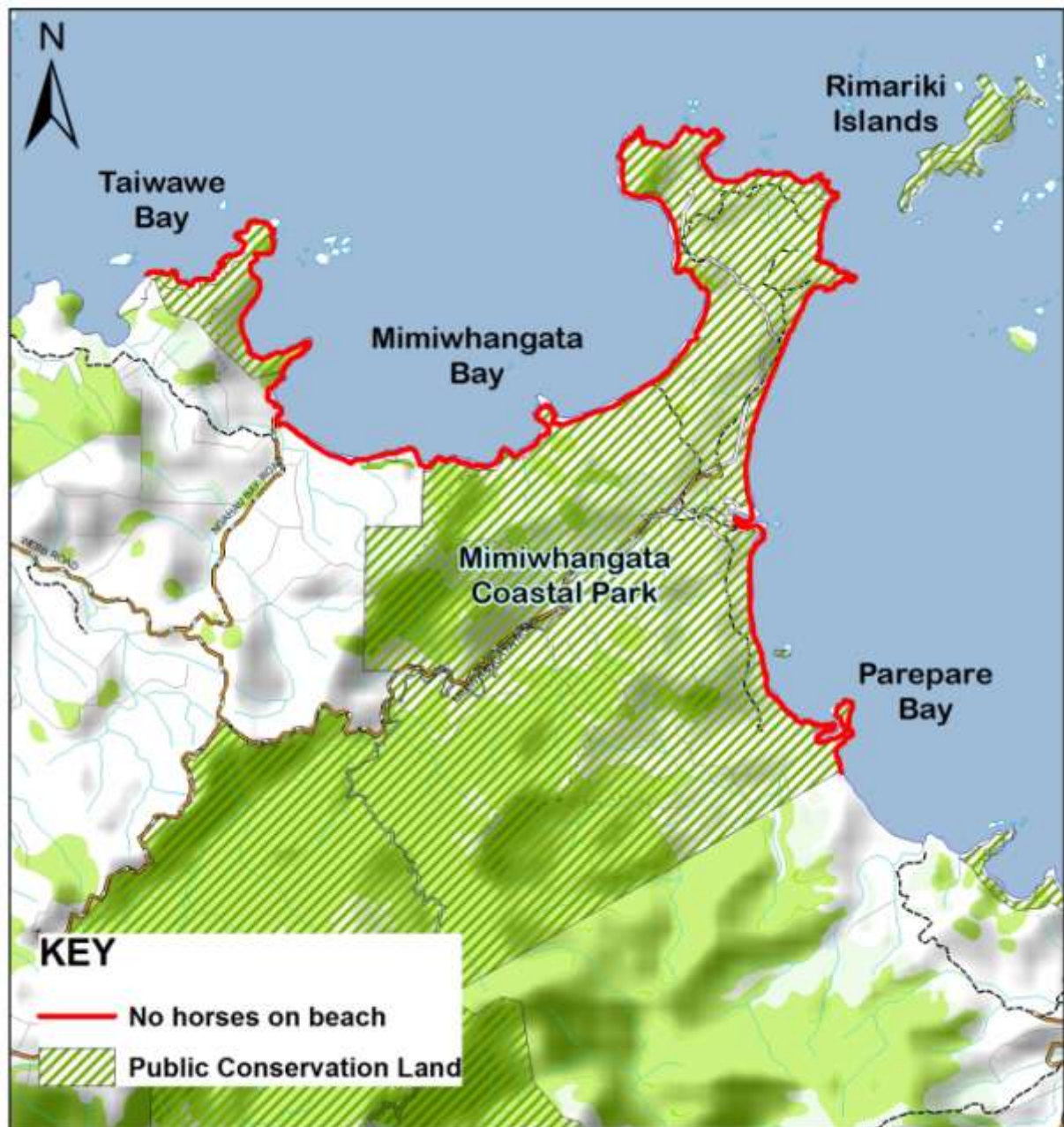
### Matapouri



All estuarine areas upstream of both Matapouri bridges (*western side of the road*).

## Conservation areas from which horses are banned

### Mimiwhangata Coastal Park

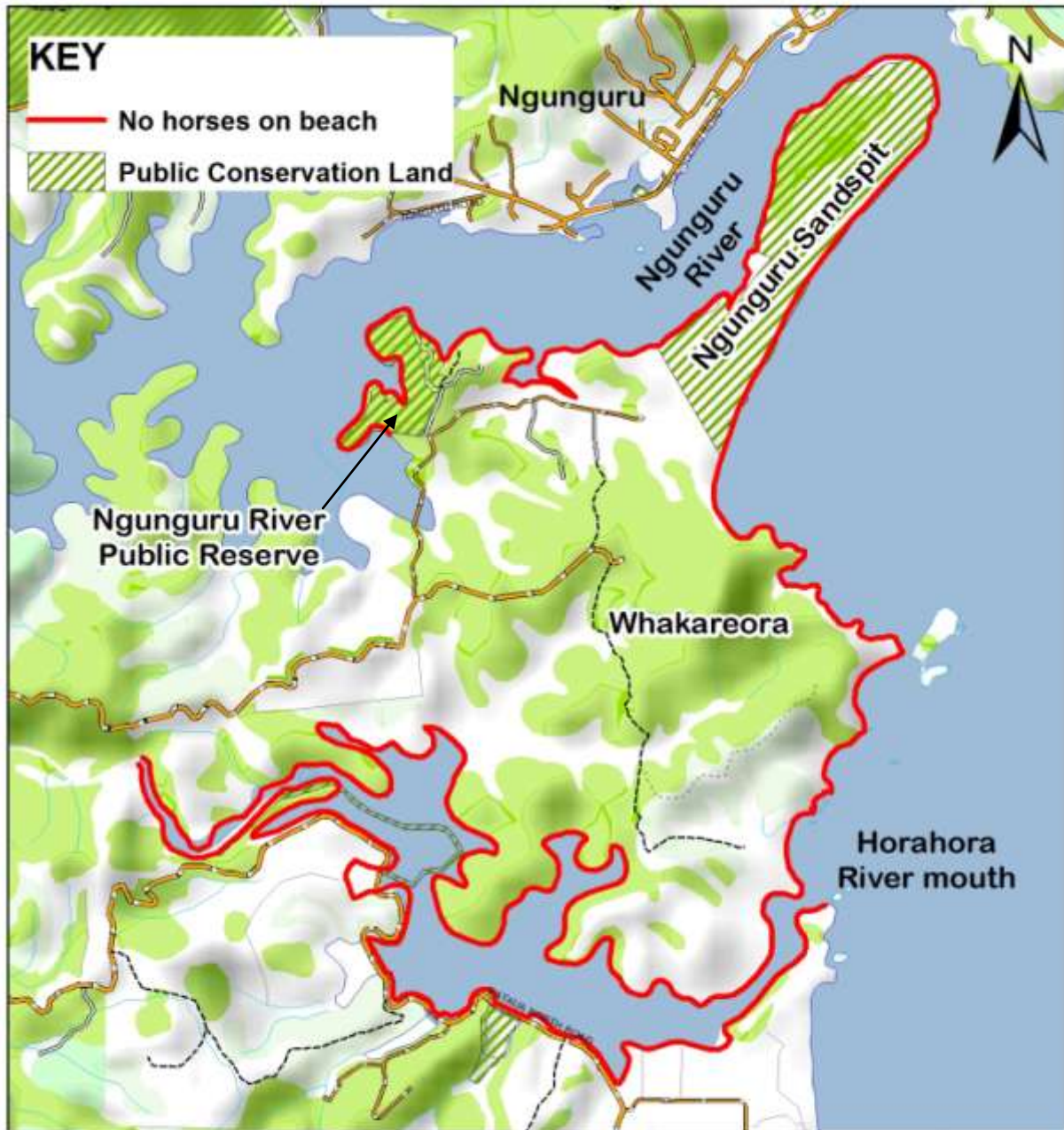


From Taiwawe Bay to Pareparea Bay. Around Rimiriki and Wide Berth Islands.



## Conservation areas from which horses are banned

### Ngunguru/Horahora



From the sign and post at the western edge of Ngunguru River Public Reserve on the south side of the Ngunguru river/estuary, around the peninsular to the southern side of the Horahora River mouth, including the Horahora River estuary

## Conservation areas from which horses are banned

### One Tree Point

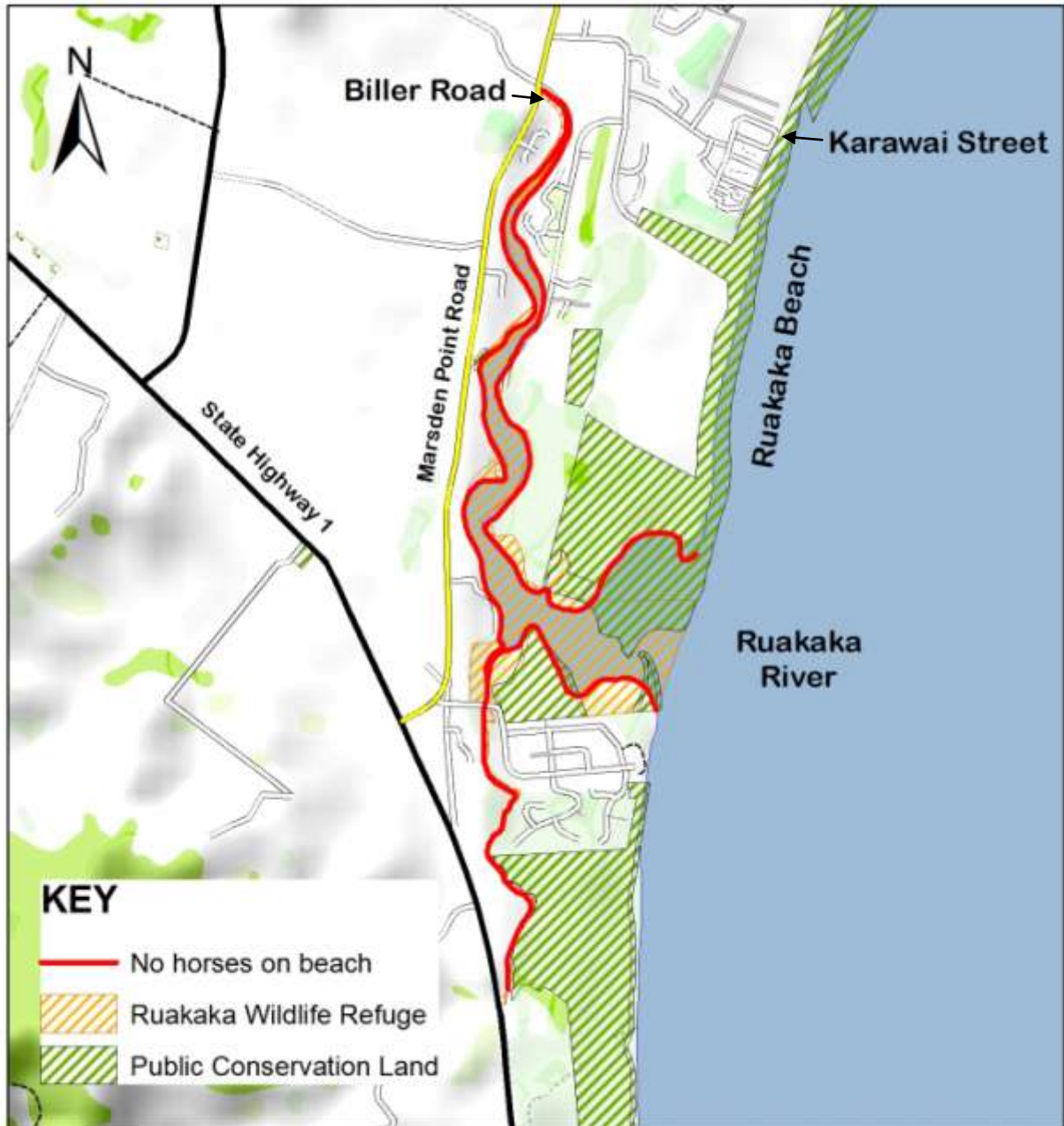


From the edge of the Marsden Point Oil Refinery, along Marsden Bay, past the Marsden Cove Marina to the end of the beach



## Conservation areas from which horses are banned

### Ruakaka



From the Ruakaka estuary mouth up to Biller Road and where the estuary intersects with State Highway 1. Includes shaded water areas.

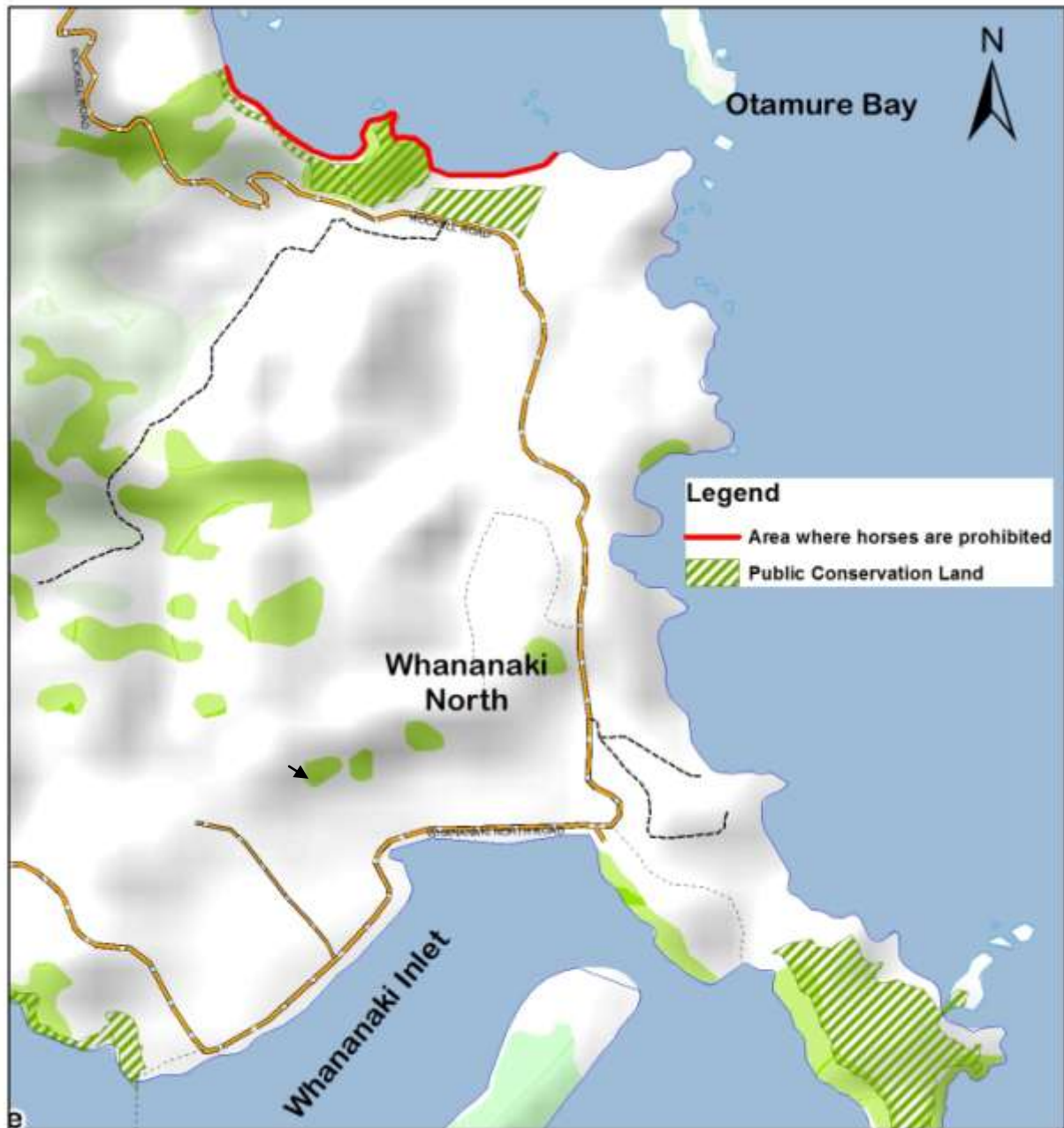
## Waipu



TRIM 14/16902

## Conservation areas from which horses are banned

### Whananaki



The beach at Otamure Bay.



### Schedule iii

### Safe zones

#### Ruakaka safe zone



The Safe Zone at Ruakaka will comprise the beach as represented on the above diagram between Points A and B.

The northern limit of the Safe Zone is a line perpendicular to the ocean which intersects point A on the above diagram at the south bank of the Ruakaka River inlet. Point A is located approximately 600 metres north of the Ruakaka Surf Life Saving Club. Point A will be marked with a sign.

The southern limit of the Safe Zone is a line perpendicular to the ocean which intersects Point B on the above diagram which is a point approximately 215 metres south of the Ruakaka Surf Life Saving Club. Point B will be marked with a sign.

## Appendix I

### Schedule iv

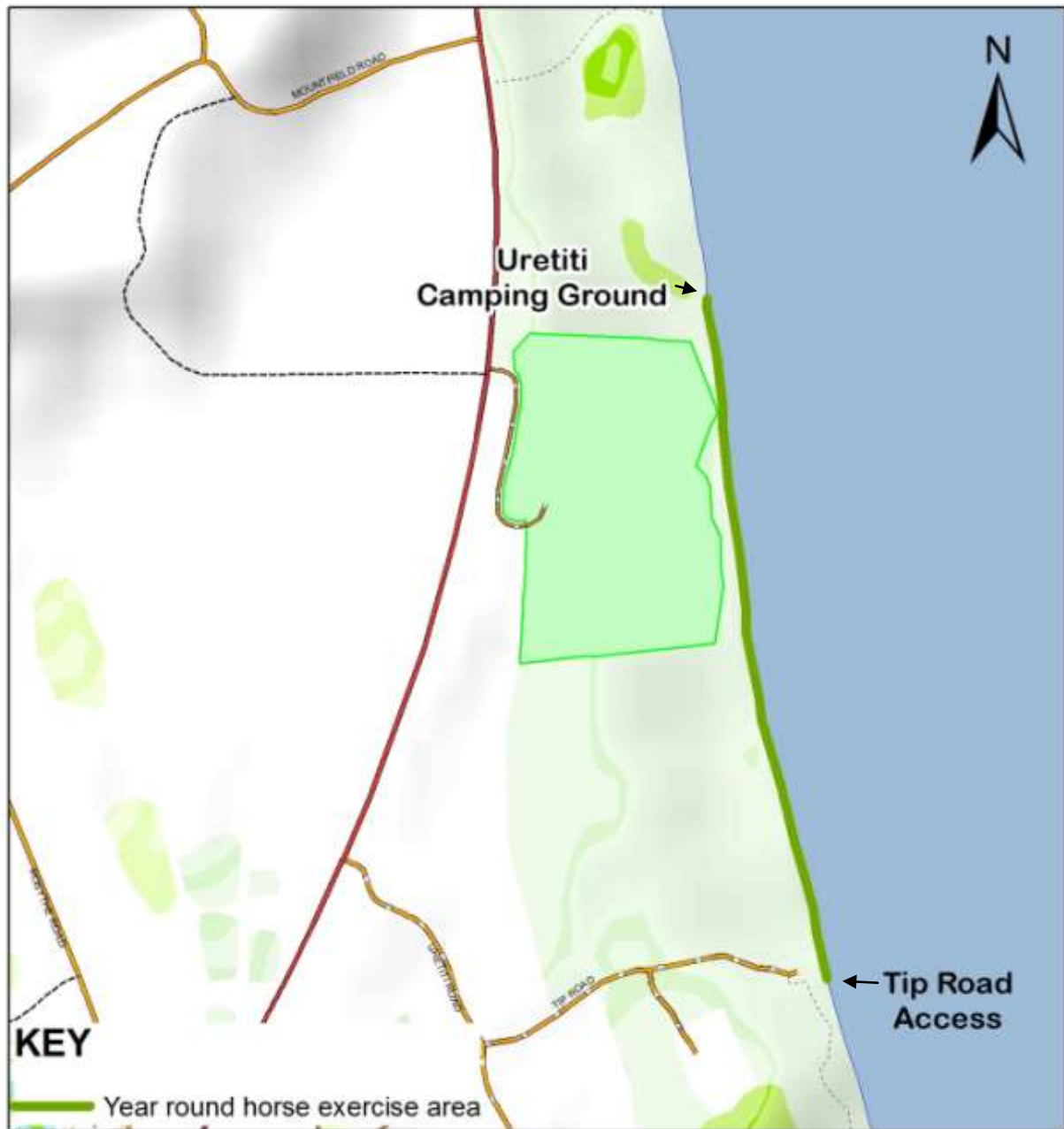
#### Year round horse riding areas

#### North Ruakaka year round horse riding beach area



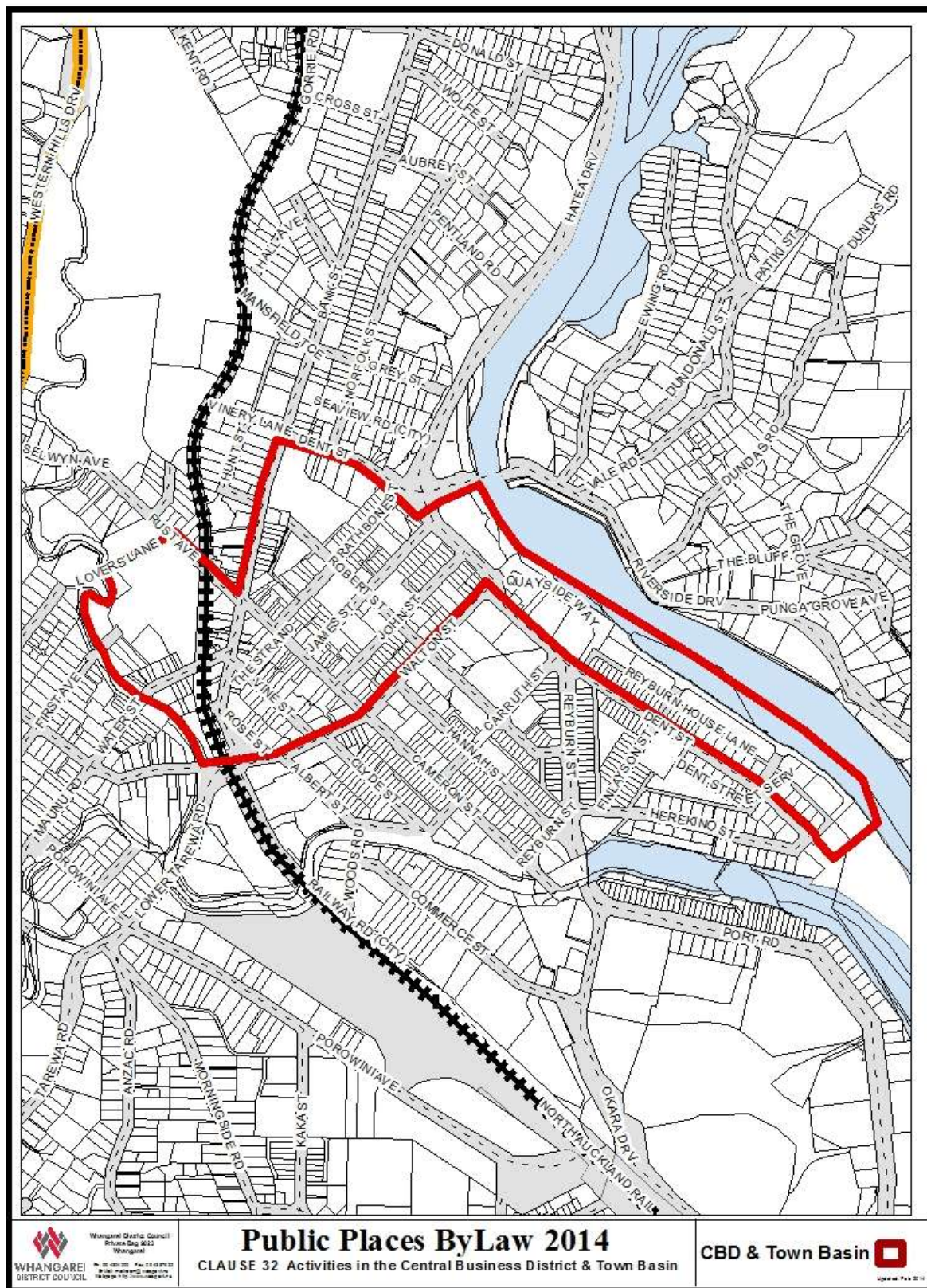
## Year round horse riding areas

### Uretiti year round horse riding beach area





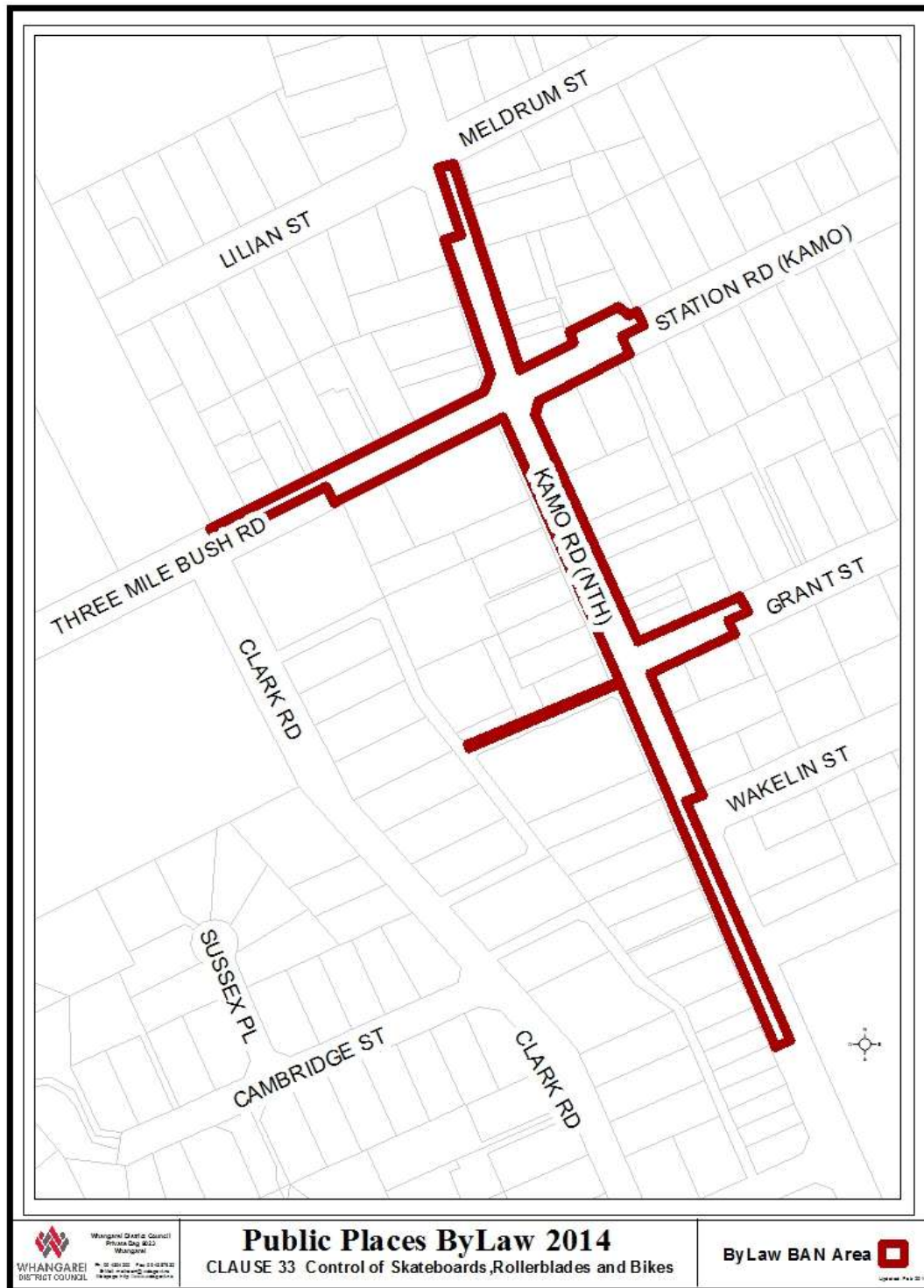
## Appendix II – Activities in the Central Business District and Town Basin







## Schedule ii Kamo rollerskate, skateboard, rollerblade and bike ban area



Note that the ban on riding bikes in this area applies only to footpaths and any mall.





# **Control of Advertising Signs Bylaw 2014**

**September 2014**

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## Control of Advertising Signs Bylaw

### 1 Introduction

This bylaw is made in accordance with the Local Government Act 2002, the Land Transport Act 1998 and the Bylaws Act 1910.

### 2 Purpose

The purpose of this bylaw is to ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or danger to public safety. The bylaw recognises there is a need to advertise businesses and promote activities, events and commerce whilst also seeking to maintain aesthetic standards and preserve amenity values.

#### NOTES:

The New Zealand Transport Agency as a road controlling authority has its own bylaws for the control of signs on State Highways within the District.

Other bylaws, in addition to this bylaw, may also apply to signs.

### 3 Interpretation

For the purposes of this bylaw the following definitions shall apply:

#### **Chief Executive Officer**

means the person appointed as the Chief Executive Officer of Council or such officer as he or she delegates to act on his or her behalf.

#### **Display area**

means the area of the sign (not including its supporting structure) that is visible from any aspect.

#### **Public amenity sign**

means a sign placed, painted, or erected by Council, or by any other person with the prior consent of the Chief Executive Officer, for purposes other than commercial advertising.

#### **Road and/or street**

Has the meaning given to these terms in Section 2(1) of the Land Transport Act 1998.

#### **Sign**

means a temporary or permanent visual message or other notice conveyed to the public which is visible from a public place:

- i. to display, advertise or identify a product, business or service, or
- ii. to inform or warn the public; and
- iii. it includes any frame, supporting device and associated ancillary equipment.

A "sign" includes, but is not limited to:

- a. Any mural, message or notice painted on, affixed to or otherwise incorporated to a building, structure, or property; or
- b. Any banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image whether or not it is affixed to or otherwise incorporated to a building, structure or property; or
- c. Any bunting that has symbols or messages on it; or
- d. Any vehicle on which a sign is displayed.

#### 4 Offensive and discriminatory signs

No person shall:

- a. Erect or display any sign that explicitly or implicitly:
  - i. Is discriminatory or advocates discrimination;
  - ii. Is objectionable, offensive, threatening or insulting; or
  - iii. Incites or counsels any person(s) to commit any offence.

#### 5 Signs on Council roads, parks and reserves

Notwithstanding any other provision in this bylaw, no person shall erect or display any sign including attaching a sign in any way to a pole, fence, street furniture or other public utility structure in a public place under the control of Whangarei District Council including a park or reserve, unless approved by the Chief Executive Officer or delegate.

#### 6 Real Estate Signs

Notwithstanding any other provision in this Bylaw, the following signs advertising the sale, lease or auction of land or premises on which the sign is situated on the property being sold, leased or auctioned or on road reserve immediately adjacent to the property being sold, leased or auctioned are permitted:

- i. one sign up to 3m<sup>2</sup> in display area; or
- ii. up to a maximum of four signs, each not exceeding 1 m<sup>2</sup> in display area,

No person shall erect or display or allow to be erected or displayed:

- i. Any sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of that settlement, whichever is the earlier; or
- ii. any sign (other than a sign advertising land or premises for sale, auction or lease) for more than two days following completion of the event to which the sign relates; or
- iii. more than one sign on any land or premises (being a sign advertising that land or premises for sale, auction or lease) for each real estate agency involved in the sale, auction or leasing of that land or premises; or
- iv. any sign advertising an open home other than prior to the day of the event or after the event concludes.

#### 7 Signs on or over roads, footpaths and public places

No person shall erect or display or allow to be erected or displayed any sign in such a position as to be on, or project over any road, private street, or public place other than the following:

- a. Signs affixed to any structure including any portable box or barrow where the sign advertises the product, service or event being offered from that structure; or
- b. Signs securely fastened and extending up to 100mm into a public place where fastened to the wall of a building in an area zoned as a Business Environment under the Whangarei District Plan; or
- c. Signs in an area zoned as a Business Environment under the Whangarei District Plan up to a maximum 1 m<sup>2</sup> in display area, including any sandwich board or flag advertising commercial or industrial premises placed immediately outside or adjacent to such premises, provided that such sign shall not cause any obstruction, nuisance or danger to either pedestrian or vehicular traffic. Where any commercial or industrial premises has more than one street frontage then that premises may have one sign on each street frontage.

#### 8 Signs on verandahs

No person shall erect or display or allow to be erected or displayed any sign on a verandah overhanging a road or a public place other than a sign that is:

- a. No less than 2.4 m above the footpath beneath the sign; and
- b. Set back at least 600 mm horizontally from an imaginary vertical line at the road kerb; and
- c. If located on a verandah fascia, be not more than 900 mm in depth or protrude more than 200 mm from the fascia; and

- d. If located under the verandah, at right angles to the fascia line, and be limited to one per site; and
- e. If located on top of the verandah, be not more than 1.2m high, not more than 1.8m<sup>2</sup> in area and no more than one per site; and
- f. Advertising only goods, services or products available on the site of the sign.

## **9 Signs affecting Traffic Safety**

No person shall erect or display or allow to be erected or displayed a sign where in the opinion of the Chief Executive Officer or delegate that sign would create a traffic hazard or a traffic safety issue having regard to whether it would:

- a. Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
- b. Distract unduly or be likely to distract unduly the attention of road users;
- c. resemble or be likely to be confused with any traffic sign or signal;
- d. give rise to excessive levels of glare, use flashing or revolving lights or ,reflective materials or moving images that may interfere with a road user's vision;
- e. invite drivers to turn so close to a turning point that there is no time to signal and turn safely;
- f. constitute or be likely to constitute in any way a danger to road users.

## **10 Commercial Signs**

- a. No person shall erect or display or allow to be erected or displayed a sign for commercial purposes on any property other than on the property where the goods, services or products advertised for sale are available.
- b. A project sign to identify the nature of the project and the professional participants for the duration of the construction period is permitted. Such signs shall not exceed three square metres in display area and shall be erected on a construction site or the site of a project.

## **11 Signs on vehicles**

No person shall display or allow to be displayed a sign on any vehicle which is stationary on any road, where that vehicle is being used primarily for the purpose of exhibiting the sign.

No person shall display a sign on any vehicle on any private property other than on any property at which the goods, services and products advertised on that vehicle are offered for sale where the vehicle is being used primarily for the purpose of exhibiting the sign.

## **12 Sign parks**

Sporting, cultural, public amenity or community event signs may be erected in designated Council sign parks only with the approval of the Chief Executive Officer or delegate. Sites are available subject to any terms and conditions the Chief Executive Officer or delegate may specify, including payment of a fee in accordance with Council's current Fees and Charges schedule.

## **13 Banners in the Cameron Street Mall**

Sporting, cultural, public amenity or community event banners may be erected in the Cameron Street Mall only with the approval of the Chief Executive Officer or delegate. A site is available subject to any terms and conditions as the Chief Executive Officer or delegate may specify, including payment of a fee in accordance with Council's current Fees and Charges schedule.

## **14 Sporting, cultural, public amenity or community event signs**

Signs advertising a forthcoming sporting, community or cultural event up to a maximum sized display area of 3 m<sup>2</sup> may be placed on the Council road reserve provided that such signs:

- a. Shall not be erected more than 21 days prior to the event
- b. Shall be removed within two days after the event concludes; and
- c. Shall not be placed within the vehicular carriageway or footpath.

## **15 Election signs**

A sign or signs for general or local electioneering or referendum purposes, for a maximum period of two (2) months prior to polling day shall be permitted provided that the sign shall not exceed:

- a. 3m<sup>2</sup> in display area in areas zoned as Living Environments under the Whangarei District Plan, or

- b. 2m<sup>2</sup> in display area in areas zoned as the Open Space Environment under the Whangarei District Plan, or
- c. 6m<sup>2</sup> in display area in all other zoned Environments under the Whangarei District Plan.

Any election sign shall be removed the day before polling day.

## **16 General requirements for construction and maintenance of signs**

All signs, other than signs permitted under clause 14 of this bylaw, shall be professional in presentation and be well constructed.

All signs must be fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and/or the owner of the land or building on which the sign is placed.

## **17 Exemptions**

Where a sign lawfully existed prior to the coming into force of this bylaw, but it does not comply with this bylaw, it may remain in place and be repaired, or maintained, provided that such work does not increase the physical size or the extent of its non compliance with this bylaw.

Where the Chief Executive Officer or delegate is satisfied that compliance with any requirement of this bylaw would be unreasonable or impractical, an exemption from compliance with the bylaw may be granted on such conditions as the Chief Executive Officer or delegate considers appropriate.

In making a decision to exempt any sign from the provisions of this bylaw, the Chief Executive Officer or delegate will have regard to:

- i. the purpose of the sign
- ii. the benefits to the community of that sign
- iii. the potential for proliferation of signs
- iv. the duration the sign will remain erected
- v. the effect on amenity in the area of the sign
- vi. the size of the sign
- vii. traffic safety

## **18 Application of this bylaw**

This bylaw does not apply to any :

- i. public amenity sign; or
- ii. Council sign containing, traffic or direction information; or
- iii. street or place naming sign;
- iv. sign indicating the presence of any hazardous substances and/or a hazardous facility; or
- v. signs erected pursuant to any statute or regulation; or
- vi. signs that have obtained a resource consent.

This bylaw does not affect any conditions placed on signs by a rule in the District Plan or any resource consent.

## **19 Seizure of property not on private land**

Council has powers of seizure of property not on private land under the Local Government Act 2002.

- a. An enforcement officer may seize and impound property that is not on private land if—
  - i. the property is materially involved in the commission of an offence; and
  - ii. it is reasonable in the circumstances to seize and impound the property; and
  - iii. before seizing and impounding the property, the enforcement officer—
    - directed (orally or in writing) the person committing the offence to stop committing the offence; and
    - has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
    - provided the person with a reasonable opportunity to stop committing the offence.

- b. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with subsection 19 a.
- c. Council may recover the costs of removing or altering any non-complying sign from the person who committed the breach including from the proceeds of disposal by sale.

## **20 Seizure of property on private land**

Council has powers of seizure of property on private land under the Local Government Act 2002. In accordance with 165 of the Local Government Act 2002, Council may apply for a search warrant authorising an enforcement officer to enter private property involved in the commission of an offence, and seize and impound property.

## **21 Repair or Removal of Signs**

The Chief Executive Officer or delegate may, by notice in writing require the owner, occupier or lessee of any land where an unsightly, non-complying, unsafe or unauthorized sign is located to repair or remove that sign within a period stated in such notice.

Where the owner or user of a sign, or the owner of land over or on which a sign is located, receives a notice given under this clause, that person shall comply with the requirements of the notice within the time specified in the notice.

Where any person has been requested to alter or remove any non-complying, unsafe or unauthorized sign, that sign shall not be altered or replaced unless the altered or replacement sign complies with this bylaw.

Where any person fails to comply with any requirement to alter or remove any sign, the Chief Executive Officer or delegate may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.

Any sign removed by the Chief Executive Officer or delegate shall be released to the owner upon payment of the costs incurred in its removal and storage.

## **22 Offences**

Every person who breaches this bylaw commits an offence.

## **23 Compliance with clauses**

All signs, whether permitted or not must comply with clauses 4,5,6,7,8,9,10,11 and16.





# **Alfresco Dining Policy**

**Adopted 13 February 2013**

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## 1 Background

The purpose of the Alfresco Dining Policy is to provide a comprehensive framework for the development, management and control of alfresco dining, on a consistent and district wide basis.

The policy seeks to encourage better designed and higher quality alfresco dining facilities that:

- Make a positive contribution to the streetscape
- Integrate with the existing business activity
- Improve the physical and visual amenity of the footpaths in a sensitive and responsive manner
- Do not interfere with safe pedestrian traffic

It aims to:

- Encourage the establishment of alfresco dining facilities
- Make requirements for alfresco dining facilities more consistent and transparent
- Respect adjoining amenity through appropriate design
- Maintain visual amenity and pedestrian circulation standards

Footpaths are public spaces and their primary role is to provide access for people to move along them freely without obstruction. Council aims to provide a safe environment for people who move through the community by providing a clear path for all people to move along.

Council is committed to ensuring business precincts are enhanced by providing the opportunity for footpaths to be used for alfresco dining.

Where possible, Council will aim to achieve an effective accessible pedestrian system throughout business precincts through the development and maintenance of a continuous accessible path of travel.

## 2 Scope

The policy applies to alfresco dining activity in the Whangarei District on public land under Council's direct control. The policy applies to any organisation, community group, individual or business who wishes to have an alfresco dining area on public land. Sections of this policy will address alfresco dining specifically within the Cameron Street Mall and the Town Basin.

This Policy does not apply to public park spaces.

This Policy does not incorporate any trading activities or display of goods. These activities are generally prohibited on Council footpaths. This Policy will not include alfresco dining operations on privately owned land.

Businesses that are incompatible with this Policy who already have established alfresco dining facilities in place may be transitioned into the Policy at the discretion of Council.

The location and layout for alfresco dining within the District will be derived from the roading hierarchy and the type of road adjacent to the business front. The roading hierarchy is based on road function and planned levels of service. It will classify all roads in the District in terms of their function and strategic importance to our transport network.

The roading hierarchy develops the basis for the management of effects of traffic on adjacent activities, and the effects of activities on the transportation network. A roading hierarchy sets out the factors (length, width, volume) which define a road as being in a certain category. An example of the roading hierarchy in the Whangarei Central Business District (CBD) is included in Figure 1. A complete list of the classification of roads for the Whangarei District has been completed.

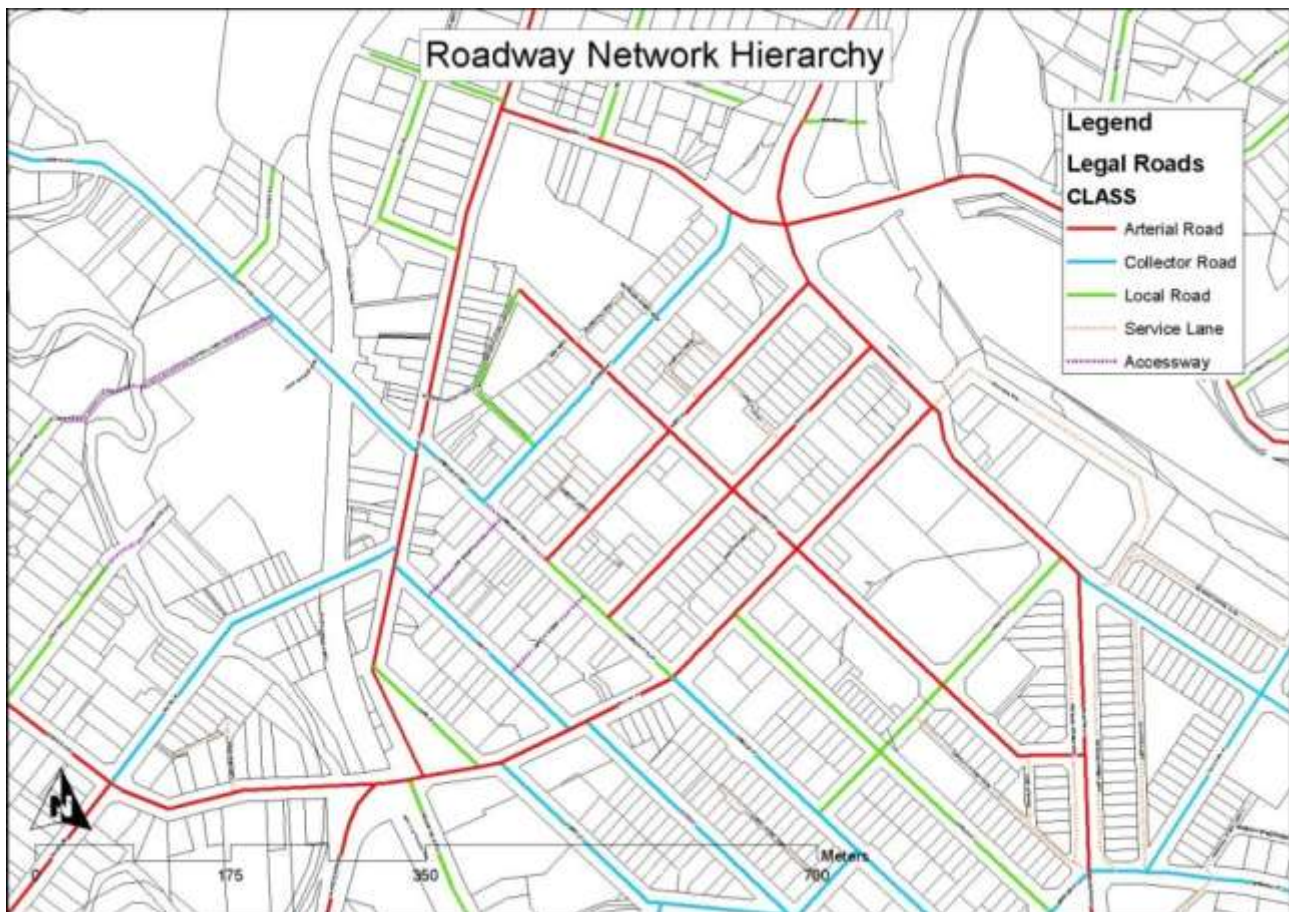


Figure 1 – Central City Roading Hierarchy

### 3 Policy Purpose and Objectives

The Alfresco Dining Policy has been prepared to assist the Whangarei District Council in the assessment and monitoring of alfresco dining activities. Moreover, this policy seeks to provide operators of food and drink premises with an appreciation of Council's preferred vision for these activities.

The business will be required to apply for an Alfresco Dining Licence. The business may also require a licence to occupy agreement with Council. The Alfresco Dining Licence will explain the conditions that are associated with that Alfresco Dining Zone.

Business owners seeking an Alfresco Dining Licence with Council should demonstrate that the objectives and performance requirements of the policy are met. They are encouraged to discuss proposals with Council prior to lodging an application or when non-compliance with this Policy is identified. When considering the application, Council will take into account Crime Prevention Through Environmental Design (CPTED) and Injury Prevention Through Environmental Design (IPTED).

All existing alfresco dining permits will need to be reviewed and the business must determine if he/she wish to apply for a new Alfresco Dining Licence, so as to continue alfresco dining.

Council reserves the right to vary the policy and its regulations at the discretion of the regulating officer. This is to ensure some flexibility in implementing the policy to address unusual circumstances that may arise from time to time.

### 4 Other Plans, Policies and Controls

There are a number of other documents related to alfresco dining but they are outside the scope of this Policy and should be considered separately. They include:

**Health and Safety in Employment Act 1992** - The object of the Health and Safety in Employment Act 1992 is to promote the prevention of harm to all people at work, and others in, or in the vicinity of, places of work.

**Smokefree Environments Amendment Act 2003** - Hospitality venues (bars, clubs, restaurants, cafés, casinos and gaming machine venues) are required to become 100 percent smoke free indoors (if they are workplaces, served alcohol or had a gambling venue licence). The law does not prevent employers and business owners choosing to make the outdoor areas of their premises 100 percent smoke free too. However, these voluntary smoke free policies will not be enforced by the Ministry of Health.

**Noise** – Alfresco dining activities should not generate noise levels that would be termed unreasonable. The statutory requirements relating to noise control apply and are set out in s16 and s326 of the Resource Management Act. The District Plan also contains noise regulations to conform to.

**Liquor Licensing Policy** – The object of the Policy is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse in so far as that can be achieved by legislative means.

**Building Act/Fire Safety & Evacuation of Buildings Regulations** - Alfresco dining activities should not compromise the requirements of the Building Act and the FSEB Regulations

## 5 Zone Marking and Regulation

For compliance purposes, the area that is held under a licence to occupy by a business for alfresco dining will be delineated with an appropriate marking affixed to the footpath which may include brass, copper or stainless steel pins to be easily recognized by all agencies. Monitoring of the alfresco dining areas to ensure compliance with the licence to occupy agreement will be undertaken as required.

## 6 Fees

There will be an initial fee for the evaluation/assessment of the alfresco application and a monitoring fee based on a cost recovery basis. There may also be an annual charge for the Licence to Occupy.

## 7 Definitions

The following definitions provide a guide to terms used in this policy. These definitions are not statutory definitions.

**Alfresco Dining Zone** – is an area in which tables, chairs and other structure are provided for the purpose of the consumption of food or beverages or both by the public outside of food and drink premises on public land.

**Arterial Roads** - are major roads with high traffic volumes or a significant component of through-traffic. These include major roads into and through the District (excluding State Highways), and roads servicing significant areas of development.

**Collector Roads** - are those that collect traffic from specific areas, or link important roads or major traffic generators, such as industrial areas, or tourist attractions.

**Footpath Area** – the area from the property line of the establishment to the edge of the kerb.

**Kerb Zone** – is the area between the edge of the kerb and the Alfresco Dining Zone or the Walkway Zone, which ensures that adequate space is provided between the Alfresco Dining Zone or the Walkway Zone and roadside activities (access to vehicles parked on street). The Kerb Zone only applies where parking (angle or parallel) is permitted on the adjacent street.

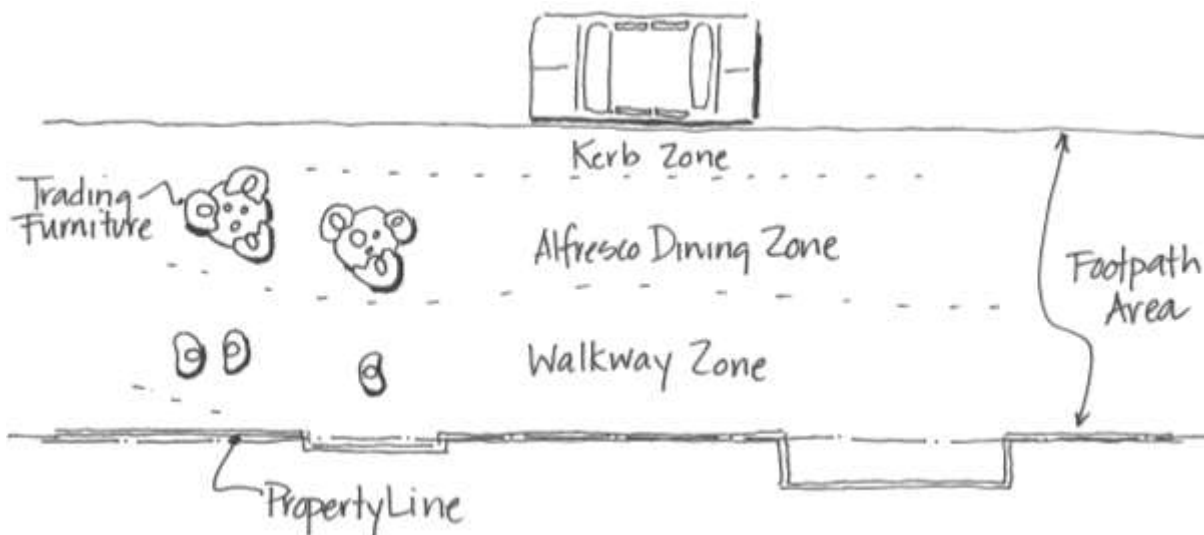
**Licensed Zone** – relates to the approved area permitting the serving of alcohol. This must be within the approved Alfresco Dining Zone.

**Local Roads** are those that are not classified into the Arterial Road or Collector Road categories, and whose major function is to provide access to property, rather than to provide routes for traffic.

**Property Line** – the front boundary of a property adjoining the street usually parallel with the footpath.

**Trading Furniture** – means the chairs, tables, umbrellas, screens, awnings, heaters, and other structures to be set up in the Alfresco Dining Zone.

**Walkway Zone** – is generally located immediately adjacent to the front of the property line, with a minimum width of 1.75m. This area will have a continuous accessible path of travel unobstructed by any trading furniture. The 1.75m width must be maintained at all times.



**Figure 2 – Definitions of Alfresco Dining Policy**

## 8 Alfresco Dining Zones

The location and layout of the Alfresco Dining Zone should be based on an evaluation of the site conditions and the potential impact on the Walkway Zone. The Walkway Zone provides an important circulation path for pedestrians. The primary objective must be to provide safe and unobstructed pedestrian access in and around Alfresco Dining Zones.

There are two types of trading regulations based on the road hierarchy that are to be considered in this Policy. In both circumstances, the minimum width of the Walkway Zone must be 1.75m. This width is based on the minimum amount of space needed for two way traffic to move safely through the Walkway Zone, allowing for wheelchairs, scooters, prams and other mobility vehicles to pass.

Where a business abuts two streets that are of different hierarchies (i.e. a cafe on the corner of a local roadway and a collector roadway) then the regulations for the higher level dining zone will apply. This will also allow for consistency in regard to the alfresco dining of the business.

Cameron Street Mall and the Town Basin have also been included for separate consideration in regard to alfresco dining as neither falls within the two types of trading regulations relating to road hierarchy.

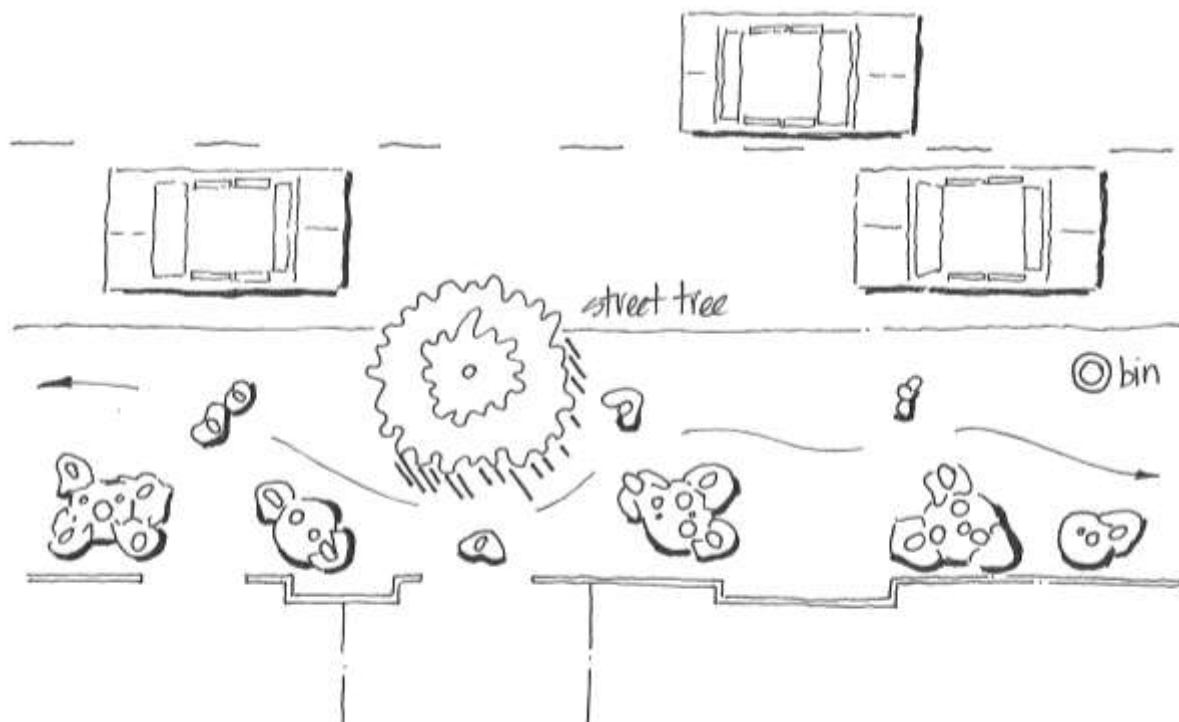
### 8.1 Arterial and Collector Roads

Arterial Roads are major roads with high traffic volumes or a significant component of through-traffic. These include major roads into and through the District (excluding State Highways), and roads servicing significant areas of development.

Collector Roads are those that collect traffic from specific areas, or link important roads or major traffic generators, such as industrial areas, or tourist attractions.

If the business fronts onto an Arterial or Collector Road, the Alfresco Dining Zone will be adjacent to the property line of the building. This will allow for pedestrians to walk along the kerb and have enough space to congregate at street corners. In these areas, the safety of pedestrians and the safety of diners is better achieved if alfresco dining is kept along the property line

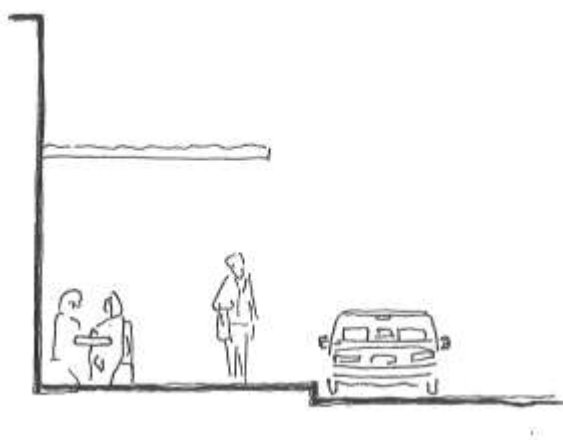




**Figure 3 – Examples of alfresco dining on arterial/collector roads**

### Requirements

- 8.1.1 The Alfresco Dining Zone is located adjacent to the property line.
- 8.1.2 The minimum width of the Footpath Area in front of the establishment is 2.75m.
- 8.1.3 The minimum width of the Alfresco Dining Zone is 1.0m.
- 8.1.4 The minimum width of the Walkway Zone must be 1.75m.
- 8.1.5 If there is parking on the road, then the minimum width of the Kerb Zone must be 0.5m.
- 8.1.6 No items may be placed in, or extend into the Walkway Zone or Kerb Zone, including items overhead below a height of 2.0m.



**Figure 4 – Cross section of alfresco dining on arterial/collector roads**

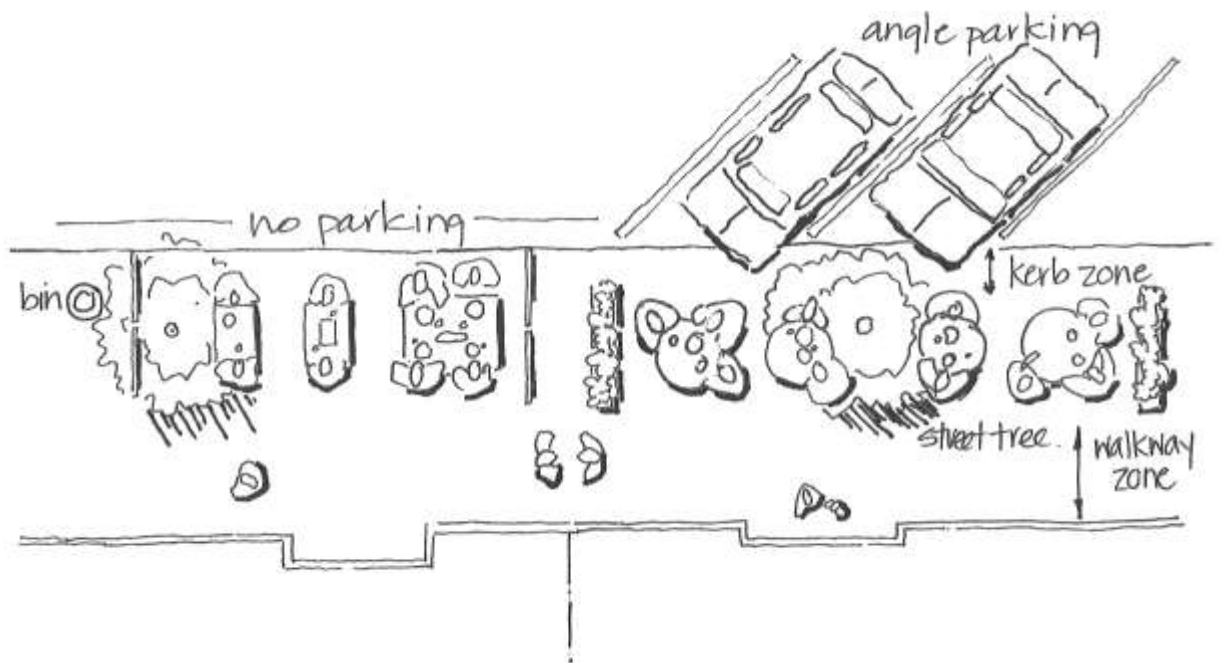
## 8.2 Local Roads

Local Roads are those that are not classified into the Arterial Road or Collector Road categories, and whose major function is to provide access to property, rather than to provide routes for traffic.

Where the business fronts onto a Local Road, the Alfresco Dining Zone will be located adjacent to the kerb. This will allow for pedestrians to walk closer to the property line of businesses.

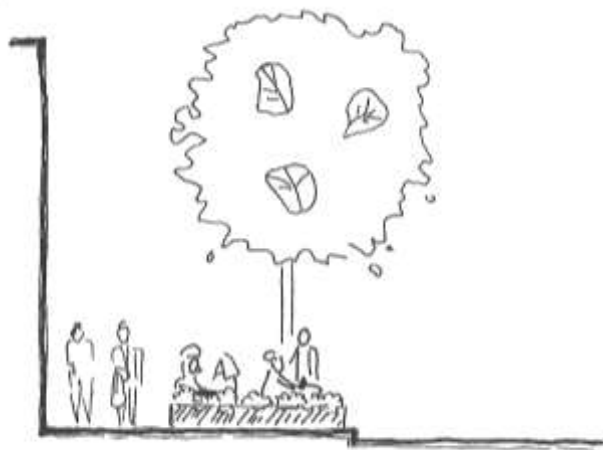
### Requirements

- 8.2.1 The Alfresco Dining Zone is located adjacent to the kerb, however, where a local roadway allows for traffic to idle (i.e. at an intersection) then alfresco dining may be better suited adjacent to the building front.
- 8.2.2 The minimum width of the Footpath Area in front of the establishment is 2.75m.
- 8.2.3 The minimum width of the Alfresco Dining Zone is 1.0m.
- 8.2.4 The minimum width of the Walkway Zone must be 1.75m.
- 8.2.5 If there is parking on the road, then the minimum width of the Kerb Zone must be 0.5m.



**Figure 5 - Examples of alfresco dining on local roads**

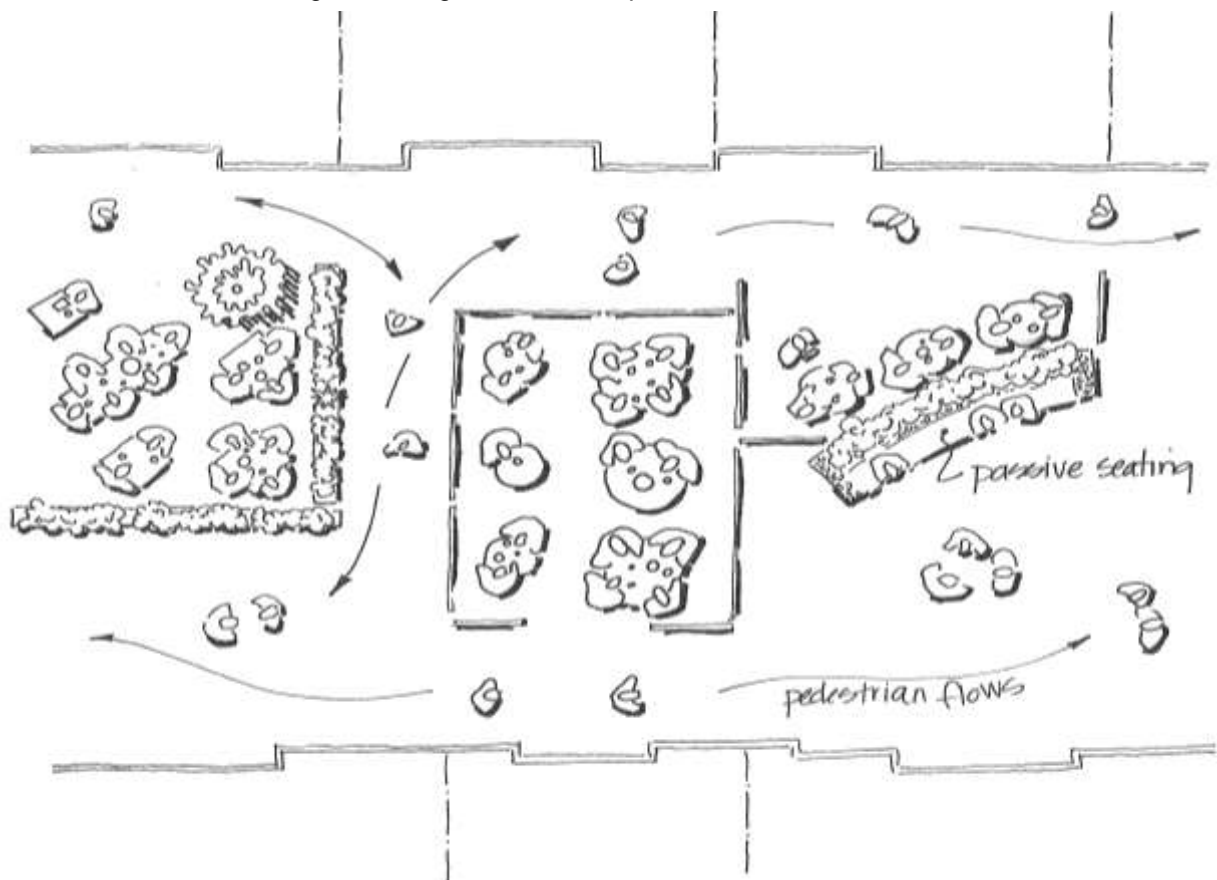
- 8.2.6 Where the Alfresco Dining Zone exceeds 12m of continuous frontage to the street, a 1.5m clear space is required at some point in the dining area perpendicular to the kerb.
- 8.2.7 No items may be placed in, or extend into the Walkway Zone or Kerb Zone, including items overhead below a height of 2.0m.
- 8.2.8 The Alfresco Dining Zone should be at least 2.0m from a road corner, measured from the back of the kerb to allow sufficient space for pedestrians waiting to cross the intersection.



**Figure 6 - Cross section of alfresco dining on local roads**

### 8.3 Cameron Street Mall

Council is committed to enhancing the vitality of Cameron Street Mall as a gathering place, entertainment and retail centre. A key objective is to promote outdoor dining. An important consideration in the provision of alfresco dining is the very high volume of pedestrians in Cameron Street Mall. This requires particular attention to ensure that conflicts with other uses and with pedestrian movements in the mall are minimised. As a result, Council may limit the number and locations of alfresco dining in the mall should they create undesirable outcomes through crowding and restricted pedestrian flow.



**Figure 7 – Examples of alfresco dining in Cameron Street Mall**

The following conditions will apply to alfresco dining in Cameron Street Mall:

- 8.3.1 Minimum footpath clearances of 1.75m will apply from the property line of the business to the Alfresco Dining Zone on both sides of the mall.
- 8.3.2 Efforts should be made to ensure that a clear and concise sightline to guide pedestrian traffic through the mall is maintained.
- 8.3.3 The location of outdoor dining areas will be assessed on a case by case basis, taking into account the location of existing structures, trees and other elements of public furniture.
- 8.3.4 Permanent structures may be appropriate, provided they are designed in accordance with Council initiatives for the Cameron Street Mall.

## 8.4 Town Basin

The Town Basin currently has alfresco dining areas located outside of several cafes and restaurants. Because of the Town Basin's unique nature, the size and placement regulations pertaining to each licence to occupy agreement will be at the discretion of Council. The safety of pedestrians and diners along with existing infrastructure will be considered in these individual agreements. Maintaining a high standard of amenity and retaining the special character is imperative within the Town Basin area.

## 9 Tables and Chairs

- 9.1 Any chairs, tables and ancillary items associated with outdoor eating:
  - 9.1.1 May only be placed outside premises which hold a current health (registration of premises) registration Certificate or an approved Food Safety Program by means of a Food Control Plan.
  - 9.1.2 May only be placed in the Alfresco Dining Zone of the Footpath Area.
  - 9.1.3 May only be placed within the Alfresco Dining Zone during normal trading hours of the business to which they relate, unless otherwise approved by Council.
  - 9.1.4 Must be of a style, appearance, materials, finishes and colours which are of a high standard, attractive, durable, shatterproof, and unobtrusive and complement the character of the streetscape.
  - 9.1.5 Must be portable, yet sturdy and windproof.

## 10 Barrier Screens

The form and construction of any barrier screen must be suitable for its functional requirements and location, taking into account prevailing weather conditions.

- 10.1 Barrier Screens:
  - 10.1.1 Must be associated with the use of the footpath for an outdoor eating facility.
  - 10.1.2 May only be placed in the Alfresco Dining Zone and parts thereof may not extend past the zones boundary.
  - 10.1.3 May only be in place during normal trading hours of the business with which they are associated unless otherwise approved by Council.
  - 10.1.4 Must be placed so that the screens are stable and secure or weighted so that they will not be moved by patrons or prevailing weather.
  - 10.1.5 Must be suitably sited and designed regarding available space, existing built form, desired character, street activity and traffic concerns.
  - 10.1.6 Must be positioned to allow for pedestrian access.
  - 10.1.7 Should not exceed the width of the Alfresco Dining Zone. A minimum 1.0m access way should be provided between the barrier screens of adjacent alfresco dining premises to accommodate pedestrian movements from the street.

## 11 Planter Boxes

### 11.1 Planter Boxes:

- 11.1.1 May only be placed in the Alfresco Dining Zone and plants shall not extend beyond that zone.
- 11.1.2 Must provide a positive contribution to the amenity on the street. Physical appearance, including materials and style, should be of a high quality and be complimentary to the streetscape character and other street elements.
- 11.1.3 Form and structural strength must be adequate to meet functional requirements, including resistance to vandalism and impact from pedestrians.
- 11.1.4 May not have sharp edges or corners.
- 11.1.5 Must be well maintained with healthy plants of suitable form, hardiness and species.
- 11.1.6 Must be free of litter, including cigarette butts.
- 11.1.7 May not be used for advertising purposes.

## 12 Lighting and Heating

- 12.1 Flashing and/or chasing lights are not permitted in Alfresco Dining Zones.
- 12.2 Lighting is to be permanently fixed and must be in good working order and should not create unreasonable spill into neighbourhood property. Portable lighting is not permitted.
- 12.3 Any outdoor heater:
  - 12.3.1 Must be associated with the outdoor eating activity in the Alfresco Dining Zone.
  - 12.3.2 May only be placed in the Alfresco Dining Zone.
  - 12.3.3 Must comply with all relevant safety standards.
  - 12.3.4 May not be placed beneath umbrellas

## 13 Umbrellas

Any umbrellas:

- 13.1 Must be made of high quality material such as canvas.
- 13.2 May only be placed in the Alfresco Dining Zone.
- 13.3 Should not protrude into the Kerb Zone or the Walkway Zone. If an umbrella must protrude marginally into the Walkway Zone, then it must be a minimum 2.0m in height.

## 14 Dogs in Alfresco Dining

- 14.1 Dogs will not be permitted in Alfresco Dining Zones, with the exception of guide dogs.

## 15 General Requirements

- 15.1 Where smoking is permitted, each table in an Alfresco Dining Zone must be supplied with a wind proof ashtray at all times and the business be responsible for cigarette ash, butts and any other litter generated by patrons of an Alfresco Dining Zone. Council promotes the identification of smoking and non-smoking areas within alfresco dining where practical.
- 15.2 Alfresco Dining Zones must be kept in a clean and tidy condition at all times and any spills and litter should be cleaned up.
- 15.3 Patrons will not allow guide dogs, prams or personal items to obstruct the Walkway Zone.
- 15.4 Food and beverages are not to be served to patrons standing on the footpath within the Walkway Zone.
- 15.5 No noise or other disturbance creating a nuisance or causing detriment to the amenity of the neighbourhood, in the opinion of Council, are allowed.
- 15.6 Liquor shall not be sold, consumed or served within the Alfresco Dining Zone unless authorised by an appropriate liquor licence, issued to the licensee by the Whangarei District Licensing Agency.
- 15.7 Waiting staff at premises with Alfresco Dining Zones must facilitate free access by all pedestrians in the Walkway Zone and give the pedestrians the right of way.
- 15.8 No food or drink is to be prepared, cooked or heated in the Alfresco Dining Zone except in accordance with the requirements of the food act.
- 15.9 The handling and serving of food and drinks to patrons within the Alfresco Dining Zone must be conducted in accordance with the requirements of the Food Act and Food Hygiene Regulations.
- 15.10 No existing street element or asset may be removed, relocated or modified without the written consent from the appropriate Council asset manager (e.g. trees, signs, bins, seats, public facilities, etc...).
- 15.11 No waste, scraps or litter is to be swept into the gutter or placed in Council rubbish bins.
- 15.12 Tables are not to be preset with cutlery glasses or unprotected foods. This is to prevent them from being exposed to contamination prior to use from the public.
- 15.13 Alfresco Dining layouts must comply with appropriate evacuation plans.

## 16 Adoption

This Policy has been approved for adoption by Mr. Paul Dell, Group Manager District Living

  
 Paul Dell

13/2/13  
 Date



# ***Public Places Bylaw***

## ***Preliminary Findings Report***

March 2025



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## 1 Introduction

Council's Public Places Bylaw (the Bylaw) regulates a set of disparate activities and behaviours that do not fit neatly within other single-subject bylaws. Council last reviewed the Bylaw over ten years ago in 2014, so the current iteration will expire in September 2026 if not revoked before then.

This preliminary findings report is intended to provide a baseline for Council to discuss the most appropriate form any future replacement bylaw(s) may take. A high-level but comprehensive analysis of each of the Bylaw's clauses is provided in Section 4 below.

### 1.1 Review methodology

This report has been informed by a scan of the relevant primary (enacted by Parliament) and secondary legislation, including Council's District Plan and bylaws, in addition to Council's relevant strategies and plans.

Over 8,000 entries of customer requests and CitySafe data from September 2014 to December 2024 have provided a high-level picture of the public's interaction with the Bylaw's various clauses since its last review.

Staff have met with representatives from 15 Council departments<sup>1</sup> with some interest in the Bylaw to discuss the adequacy of the provisions relevant to them and their implementation. Staff have also presented to the CitySafe Ops Network and the Disability, Positive Ageing and Youth Advisory Groups to seek their input.

The relevant bylaws of neighbouring territorial authorities (TAs), as well as the bylaws of Auckland Council and comparable TAs such as Gisborne District, Whanganui District and Palmerston North City, have contributed as sources of comparison.

This report has also considered Council's Alfresco Dining Policy, which has not been reviewed since its adoption in 2013.

## 2 Staff review

### 2.1 *The Bylaw is made under both the Local Government Act 2002 and the Land Transport Act 1998, which define the scope of Council's bylaw-making powers*

The Bylaw's legislative powers derive from sections 145 and 146 of the Local Government Act 2002 (LGA) and, for activities or behaviours that occur within the road corridor, section 22AB of the Land Transport Act 1998 (LTA). The Bylaw is also made under the Bylaws Act 1910, the few surviving provisions of which prevail over Council's other bylaw-making powers.

The specific provisions of the empowering legislation are important, because they set the limits to what Council can lawfully regulate through a bylaw. Under section 145 of the LGA, Council can make bylaws to:

- protect the public from **nuisance**;
- protect, promote and maintain **public health and safety**;
- minimise the potential for **offensive behaviour** in public places.

Under section 146 LGA, Council can make bylaws to:

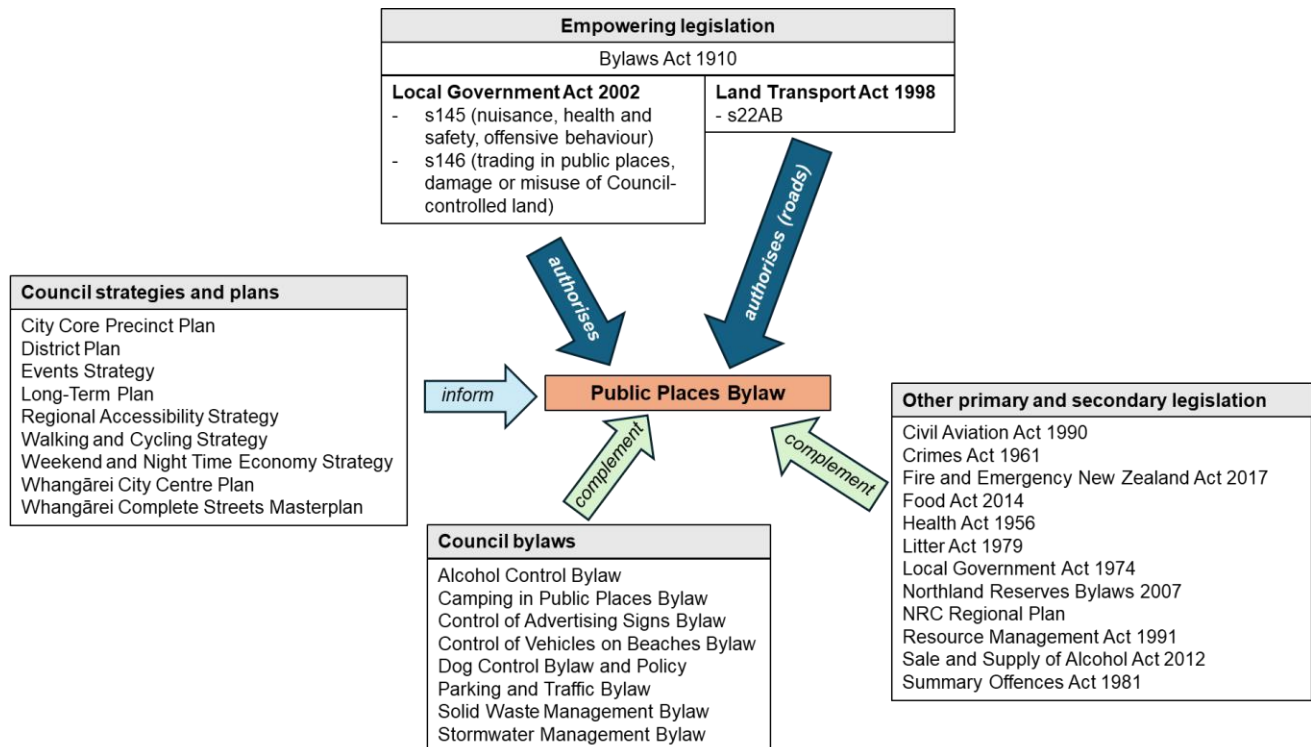
- regulate **trading in public places**;
- manage and protect property owned or controlled by Council from **damage or misuse**.

<sup>1</sup> Community Development, Community Infrastructure Projects, Customer Services, District Development, District Plan, Health and Bylaws, Infrastructure Development, Infrastructure Planning, Māori Outcomes, Parks and Recreation, RMA Consents, Stormwater Flooding and Coastal, Strategic Planning, Transport, and Venues and Events.

Meanwhile, section 22AB LTA offers broader bylaw-making powers for Council, as the road-controlling authority, to regulate activities generally within the road corridor.

Figure 1 below shows how these Acts fit within the wider regulatory landscape for a hypothetical public places bylaw made in 2025.

**Figure 1: Regulatory landscape in 2025**



## 2.2 The Bylaw overreaches and would be more robust if its purpose were confined to Council's bylaw-making powers

The purpose of the Bylaw is to—

*control a diverse range of activities to ensure that acceptable **standards of convenience, safety, visual amenity and civic values** are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district [emphasis added].*

Regulating activities in the interests of public safety is consistent with Council's bylaw-making powers under section 145 LGA. However, Council's bylaw-making powers do not extend to the maintenance of acceptable standards of convenience, visual amenity and civic values. These purposes are ultra vires (outside Council's powers) and jeopardise the lawfulness of the Bylaw's individual clauses. The Bylaw would be more robust if its purpose more faithfully reflected the powers laid out in sections 145 and 146 LGA.

## 2.3 Much of the drafting is difficult to understand and key terms are ill-defined

The Bylaw would fail to meet the Parliamentary Council Office's plain language standard. For instance, clause 6 requires that—

*No person shall [...] **suffer to be hung** any door or gate abutting on any public place or in or about the entrance to any premises abutting on a public place so as to render it capable of being swung over to or across such public place [emphasis added].*

A more accessible clause might simply state that a person must not allow a door or gate to open out over or across a public place.

Other headings, such as “Opening any public place” or “Protection of cellars”, offer little insight into what their subclauses entail.

Some key definitions are also problematic. “Public place”, for example, borrows the definition from section 147(1) of the LGA, which was drafted specifically for alcohol control bylaws and excludes licensed premises, even when they are in a public place, but includes some private land that is not under Council’s control.

## **2.4 The Bylaw could lean much more heavily on related information textboxes to communicate a more comprehensive set of rules**

The staff review of the Bylaw has identified several redundant clauses that either duplicate primary legislation or serve to inform rather than regulate (see Section 4 below). This content would sit more appropriately inside related information textboxes that communicate the intent and effect of the Bylaw without forming part of it, resulting in a Bylaw that is both leaner and more informative.

Similarly, textboxes could be used to communicate several behaviours that are regulated in higher-order legislation, such as bikes on footpaths and window washing (Land Transport [Road User] Rule 2004), graffiti (Summary Offences Act 1981) and drone use (rules made under the Civil Aviation Act 1990).

## **2.5 Analysis of customer requests data**

Staff analysed over 8,000 rows of data from customer requests (October 2014 to December 2024) and CitySafe records (October 2021 to December 2024) to inform the review. The data were categorised by Bylaw clause or, where an issue met the criteria under section 145 or 146 LGA but was not in the Bylaw (for example graffiti), by topic.

It is important to note that not all customer requests constituted a complaint. Where practicable, requests for information were removed from the dataset. Also, some requests may be duplicates, where a single incident or issue was reported on more than one occasion.

Table 1 below highlights the salient points to emerge from the analysis of customer requests and CitySafe data through the lens of the current Bylaw. The absolute numbers are unlikely to paint a complete picture of all interactions between the public and Council. Rather, they provide just one indication of the order of magnitude of the issues highlighted.

Several clauses did not feature in any customer requests.<sup>2</sup> This does not necessarily mean that they are of no benefit to Council and the wider public. See Section 4 below for more detail.

**Table 1: Salient findings from customer requests (2014-2024) and CitySafe (2021-2024) data by Bylaw clause/potential topic**

<b>Obstruction of footpaths (clauses 3 and 5; also Alfresco Dining Policy)</b>
Obstruction of one kind or another was the subject of 160 complaints from 2014 to 2024. Of these, 125 complaints concerned a motor vehicle blocking the footpath and/or berm. A further 14 requests concerned objects – for example junk, pallets, or furniture – blocking the footpath and/or berm. Three complaints were received regarding parked scooters obstructing the footpath. Each of these incidents likely breached clauses 3 (Obstruction) and/or 5 (Footways, verges, grass plots and flowerbeds) of the Bylaw.

<sup>2</sup> Clause 15: Encroachment of projects; Cl 16: Unauthorised works; Cl 18: Repair of fences; Cl 21 Lighting of Obstructions and Excavations; Cl 23: Building numbers; Cl 24: Flammable material; Cl 26: Vehicle crossings over footways; Cl 27: Discharge of surface water.

### Obstruction of footpaths (clauses 3 and 5; also Alfresco Dining Policy)

Outdoor dining furniture blocking the path for pedestrians featured in seven complaints. It is unclear whether such incidents would have breached Council's outdated Alfresco Dining Policy 2013, which contains a seldom-used set of guidelines to manage dining in public places.

### Begging (clause 9)

CitySafe officers logged 132 reports of begging in the city centre between October 2021 and December 2024. Clause 9 of the Bylaw specifies that no person may beg "in a manner that may intimidate or cause a nuisance to any person." In most cases, the CitySafe data suggest the person asking for money was "informed" of the Bylaw and "complied". It is unclear whether all these individuals were intimidating or causing a genuine nuisance to the public at the time.

### Rough sleeping (clause 19)

Members of the public alerted Council to people sleeping rough in public places on 167 occasions over the period. CitySafe officers, meanwhile, recorded 1,301 instances of rough sleeping between 2021 and 2024.

Clause 19.1.b of the Bylaw prohibits any person from using a tent, vehicle or other structure in a public place for the purposes of living accommodation. The Bylaw does not define "living accommodation".

### Motorbikes in parks and reserves (clause 30)

Council received 26 complaints from members of the public about motorbikes being driven in parks and reserves, including on Pohe Island and Kensington and Tikipunga sports parks among others. Clause 30.2.a of the Bylaw prohibits vehicles (which includes motorbikes and quad bikes) from driving on grassed parks and reserves.

### Busking in the city centre incl. Town Basin (clause 32)

Council received 29 complaints about people busking in the city centre (including the Town Basin). Under clause 32.1 of the Bylaw, busking without the use of an amplifier or loud hailer is permitted in the city centre for up to one hour per day and three hours per week.

### Bikes, scooters and skateboards in the city centre (clause 33)

CitySafe officers recorded 1,111 incidents of bikes breaching the city centre bike ban between 2021 and 2024. Around 44% of these data entries contain the words "informed of bylaw" and "complied". It is unclear whether many of these incidents resulted in a genuine safety hazard or nuisance. Breaches involving scooters and skateboards were recorded 368 and 181 times, respectively. See section 2.6 below for more information.

### Window washers (n/a)

People washing car windscreens at traffic lights in exchange for a donation were the subject of 26 complaints. Clause 11.6A of the Land Transport (Road User) Rule 2004 states that pedestrians cannot wash or offer to wash a vehicle on a road unless the vehicle is legally parked. People who breach this rule are liable to an infringement fee of \$150.

<b>Obstruction of footpaths (clauses 3 and 5; also Alfresco Dining Policy)</b>
<b>Preaching (n/a)</b>
<p>The customer requests data contain eight instances of people taking offence at others preaching in a public place. While such behaviour could arguably meet the threshold for a bylaw under section 145 LGA, it may not be consistent with the New Zealand Bill of Rights Act 1990 (BORA) for a bylaw to restrict preaching in a public place, given:</p> <ul style="list-style-type: none"> <li>- Section 14: Freedom of expression (“freedom to impart information and opinions of any kind”)</li> <li>- Section 15: Manifestation of religion and belief (“every person has the right to manifest that person’s religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private”)</li> </ul>
<b>Fireworks (n/a)</b>
<p>Council received two requests from members of the public seeking a ban on lighting fireworks in public places. While Council could lawfully regulate the use of fireworks in public places, section 35 of the Summary Offences Act 1981 provides some regulation by making it an offence to ignite or throw any firework in a manner likely to cause injury or alarm to another person.</p> <p>The use of fireworks during dry periods of the year is also regulated by Fire and Emergency New Zealand to prevent the risk of fire.</p>
<b>Drones (n/a)</b>
<p>Council received one request from the public seeking permission to fly a drone over Council-controlled land. Clause 30.2(i) of the operative Bylaw states that no person may land any aircraft (which includes a remotely piloted drone under Civil Aviation Rules) on a Council-controlled park or reserve without permission. The use of airspace above other Council-controlled land, such as roads, is governed by Part 101.207(a)(1)(ii) of the Civil Aviation Rules, which stipulates that operators of remotely piloted aircraft must get consent before flying over land that is not theirs.</p>
<b>Graffiti (n/a)</b>
<p>The CitySafe data contain 1,382 graffiti notifications between October 2021 and December 2024. The review has not considered whether graffiti belongs in a Council bylaw, because it is already an offence under section 11A of the Summary Offences Act 1981 and punishable by a fine of up to \$2,000 or, in some cases, seven years’ prison.</p>

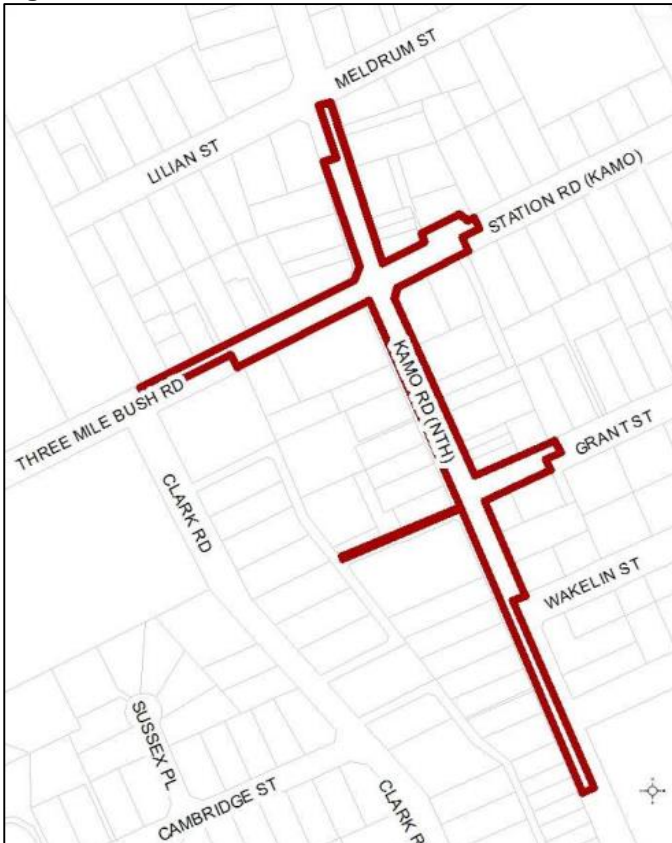
## ***2.6 The prohibition of skateboards, roller skates, scooters and bikes in the city centre is inconsistent with other Council documents***

Clause 33.1 of the Bylaw states that no person may use any roller skate, scooter or skateboard in a public place in the city centre and Te Kamo, defined in Figures 2 and 3 below. Clause 33.2 extends the prohibition to bikes on any footpath or mall within the same areas.



**Figure 2: “CBD rollerskate, skateboard, rollerblade and bike\* ban area”**

\* NB: The bike ban applies “only to footpaths and any mall”

**Figure 3: “Kamo rollerskate, skateboard, rollerblade and bike\* ban area”**

\* NB: The bike ban applies “only to footpaths and any mall”

Under the Land Transport (Road User) Rule 2004, it is already illegal to ride a bicycle on the footpath. This renders the bike ban on footpaths under clause 33.2 superfluous.<sup>3</sup>

The other component of clause 33.2 (bikes in any mall) is inconsistent with Council plans and strategies for the city centre. For instance, action 8.05 of the City Core Precinct Plan urges Council to “reassess bylaws to enable a cycle connection along Cameron Street.” This would connect the Kamo and Raumanga Shared Paths with the Town Basin and the Hatea Loop.

Under the rubric of “More people walking and cycling, more often”, action 3.5 of Council’s Walking and Cycling Strategy notes that “restrictive bylaws can be an impediment to cycle participation, as well as other alternative transport modes such as scooters and skateboards.”

## **2.7 Trading and events in public places have been underregulated since the expiry of the Hawkers, Mobile Shops, Stands and Stalls Bylaw in 2017**

Council’s defunct Hawkers, Mobile Shops, Stands and Stalls Bylaw (Hawkers Bylaw) was automatically revoked in December 2017, as it had not been reviewed within its statutory timeframe. Since then, a single clause of the Public Places Bylaw has provided an interim solution to regulate commercial activities in public places:

*11. No person shall engage in any commercial enterprise whatsoever in a public place except as may be permitted by any other bylaw, the District Plan or by the Chief Executive or delegate.*

A scan of existing application forms, permits and internal guidelines has revealed significant gaps and inconsistencies in the existing framework. There also appears to be a lack of clarity over whose responsibility it is to issue and administer permits under the Bylaw.

### **2.7.1 Council shares responsibility for regulating activities in the state highway corridor with the New Zealand Transport Agency**

Council has a memorandum of understanding (MoU) with the New Zealand Transport Agency (NZTA) to clarify which of the two parties regulates events and mobile trading on or affecting the District’s state highways. Under the MoU, Council is responsible for managing applications and enforcement in “urban areas”, defined as those stretches of state highway with a speed limit of 70km/h or less, and is to notify NZTA of such traders.

## **2.8 There are other opportunities to both clarify and broaden the Bylaw’s scope to offer more certainty**

The lack of an established process to handle requests to film in public places leads to roughly two to three productions per year to opt to film their project elsewhere. A new bylaw could provide an opportunity to streamline applications to film for commercial purposes in Whangārei District.

More generally, Council’s lack of a consistent policy-led approach to manage requests to trade, film and hold events in public places results in—

- inconsistent outcomes for the community, including health and safety risks
- a loss of media exposure for Whangārei District
- inefficient, inconsistent and poorly recorded in-house processing systems
- some legal risk to Council.

The review of the Public Places Bylaw provides an opportunity to develop a “one-stop-shop” to regulate trading, filming and events activities in the District to enhance its social, economic and

<sup>3</sup> Mail carriers and bikes with a wheel diameter of less than 355mm are exempt.



cultural vitality while ensuring appropriate standards for health and safety, pedestrian and vehicle access and respect for cultural norms.

## 2.9 Council's Alfresco Dining Policy needs a refresh

Council's current Alfresco Dining Policy was adopted in 2013. The Policy is complex, onerous to comply with and outdated. To the knowledge of staff, it has been used only once since its adoption 12 years ago. In the absence of a fit-for-purpose set of guidelines during this time, Council has lacked a policy-led approach to outdoor dining in public places and has tended to offer an ad hoc mix of forgiveness and permission, likely resulting in—

- Inconsistent outcomes for the hospitality sector
- Unnecessary compliance costs
- A lack of certainty undermining investment decisions
- A less vibrant outdoor dining scene
- Some legal risk to Council.

A broader review of the Bylaw's downstream implementing application forms, permits and guidelines would provide an opportunity to improve the regulatory framework for outdoor dining in Whangārei by simplifying the rules and working with key stakeholders to minimise conflict with other users of public places.

This could involve gauging private demand and potentially exploring options to replicate what other councils around New Zealand have achieved for local businesses by enabling outdoor dining spaces, or "parklets", in underutilised downtown parking spaces. Among potential benefits, this could 1) enable a higher-value use of an underutilised public place; and 2) remove outdoor dining furniture from the footpath.



An example of a parklet. Image courtesy of Greater Auckland

## 2.10 The LGA provides pathways to enforce the Bylaw, but instant fines are not an option for enforcement officers for the time being

The Bylaw is enforceable under the Local Government Act 2002 and the Land Transport Act 1998.

Under section 242(4) of the LGA, a person who is convicted of an offence against the Bylaw is liable to a fine of up to \$20,000.

The Bylaw adequately reproduces the relevant paragraphs under section 163 of the LGA to 1) remove or alter a work or thing in breach of the Bylaw; and 2) recover the costs of removing or altering that work or thing.

The Bylaw unnecessarily reproduces sections 164 and 165 of the LGA, which spell out Council's powers to seize property on Council-controlled and private land, respectively.

Section 176 of the LGA enables Council to recover the costs, assessed by a District Court Judge, of repairing damage arising from a breach of the Bylaw.

Section 187 of the LGA enables Council to recover costs where a person's failure to remedy a breach of the Bylaw (for example damage to a public place caused by undue discharge of stormwater from a private place) results in Council carrying out the required work.

The Department of Internal Affairs (DIA) initiated a review of territorial authorities' bylaw-making powers in 2024. Part of this review will assess whether councils should be given powers to issue instant fines for breaches of bylaws made under sections 145 and 146 of the LGA. At the time of writing, it is unknown whether Council will be granted such powers in the medium term.

### ***2.11 The Bylaw is enforced frequently, but highly unevenly***

Enforcement tends to occur in response to complaints, rather than in a proactive manner. Given the lengthy and costly process of prosecuting breaches of a bylaw made under section 145 or 146 of the LGA, enforcement officers adopt an "education-first" approach.

Council has used its powers under section 163 of the LGA on at least one occasion in recent years, to recover the cost of repairing damage caused to a grass berm by a vehicle belonging to a trucking company.

Council has also issued trespass notices on three occasions citing breaches of clause 19.1 (Structures and living accommodation in public places).

By far the most common occurrence of enforcement involves CitySafe staff advising people that the Bylaw prohibits them from riding a bike, scooter or skateboard in parts of the city centre.

### ***2.12 An ad hoc collection of permits, licences and consents are issued under the Bylaw, sometimes without a consistent guiding policy***

A plethora of application forms, permits and consents exist under the authority of the Bylaw. Several of these documents are legacy forms originally developed under the defunct Hawkers Bylaw.

In the absence of an overarching policy to manage trading in public places, staff have developed ad hoc assessment criteria. In some cases, these conflict with other Council documents like reserve management plans. Also, several application forms for permits do not align with the Public Places Bylaw.

A wider review of these documents would offer an opportunity to streamline processes, develop consistent, policy-led approaches and improve outcomes for people interacting with Council.

### ***2.13 The register of delegations under the Bylaw needs updating***

The amorphous, sprawling nature of the Bylaw results in 28 active delegations of authority to Council staff. Many Discussions with the relevant departments revealed that many of these delegations are not used. In some cases, delegates are not even aware of their delegated authority.

### 3 Concluding remarks

The staff review finds that a bylaw remains the most appropriate way of addressing several of the behaviours and activities regulated by Council's Public Places Bylaw. It offers an enforceable tool to shape behaviours and activities in public places.

However, the Bylaw's form should be improved. Some of the Bylaw's clauses are likely inconsistent with the Bill of Rights Act 1990 (*Processions*) or unreasonable (*Games and other activities*). Several matters are regulated more efficiently elsewhere (*Damage, Opening any public place, Interference with street lamps and warning lights*); some are inconsistent with Council strategies and plans (*Control of skateboards, roller skates and bikes*); while others belong in related information textboxes rather than in the Bylaw proper (*Seizure, Chief Executive Consent*).

The Bylaw's purpose lacks focus and could be restated more concisely to more reasonably reflect Council's bylaw-making powers. The drafting is almost universally outdated and fails the plain-language test. Moreover, several key terms are undefined (*nuisance*) or inappropriate (*public place*).

The Bylaw also leaves open several regulatory gaps in areas such as trading and potentially events and commercial filming in public places. Any future bylaw(s) should look to address these shortcomings. Council may also wish to consider developing a more comprehensive, fit-for-purpose set of rules to manage outdoor dining in public places.

Finally, discussions across Council departments revealed patchy implementation processes, inconsistent application forms and a general lack of established policy, resulting in uncertainty, opportunity cost and poor outcomes for the community.

## 4 Summary of staff review findings

Cl.	Bylaw issue	Recommended outcome of staff review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
3	Obstruction	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Beam scooter agreement requires users not to obstruct footpath (user compliance issue)</li> <li>- S22 Summary Offences Act 1981 addresses higher-level offences</li> </ul>
4	Litter bins	X	x	✓	Revoke	<ul style="list-style-type: none"> <li>- Covered by Litter Act 1979 and Solid Waste Management Bylaw</li> </ul>
5	Footways, verges, grass plots and flowerbeds	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Only tool available for Council to regulate parking on berms; yellow lines are “road-facing”, so only apply between kerb and road median</li> <li>- However, parking on footpaths is prohibited under Land Transport (Road User) Rule 2004</li> <li>- Obstruction of sight lines is a safety hazard</li> </ul>
6	Gates to open inwards	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Addresses safety hazard. Not regulated in District Plan. Two complaints in customer requests data (2014-2024)</li> </ul>
7	Processions	X	x	x	Revoke	<ul style="list-style-type: none"> <li>- Repugnant to s16 New Zealand Bill of Rights Act 1990 (Right to peaceful assembly)</li> <li>- If disorderly, then breach of s5A Summary Offences Act 1981 (Disorderly assembly)</li> </ul>
8	Distribution of notices	✓	x	tbc	Retain with amendment	<ul style="list-style-type: none"> <li>- Near-daily occurrence in city centre. Cl 8.a may be inconsistent with Bill of Rights Act (Freedom of expression)</li> </ul>
9	Begging and soliciting donations	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Likely reasonable to ban begging when it “intimidates” or “causes a nuisance”</li> <li>- CitySafe officers logged 132 reports of begging in the city centre since October 2021. Unclear how many of</li> </ul>



Cl.	Bylaw issue	Recommended outcome of staff review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
						these instances constituted “intimidation” or genuine “nuisance” - Street appeals require Council consent
10	Games and other activities	tbc	x	x	Retain with amendment	- “Annoyance” threshold too low to be reasonable. Consider revoking
11	Trading	✓	x	✓	Retain with amendment	- Major gap in regulatory framework. Council can regulate broadly under s146 LGA, but not for purposes of sheltering established businesses from competition - Safety risks (turning vehicles, obstruction of sightlines) are main concern for Transport - Consider broadening to address events, commercial filming and outdoor dining - Inconsistent application processes and forms
12	Damage	X	x	✓	Revoke	- Addressed by s269 Crimes Act 1961
13	Display of notices	✓	x	✓	Retain with amendment	- Billsticking without permission is already addressed by s33 Summary Offences Act 1981
14	Articles displayed for sale	✓	x	✓	Retain with amendment	- Consider addressing under Obstruction - Consider allowing 600mm encroachment for retail stores (e.g. New Plymouth District Council)
15	Encroachment of projections	✓	x	✓	Retain with amendment	- Consider combining with Structures in public places
16	Opening any public place	X	x	✓	Revoke	- Redundant. Addressed by National Code of Practice for Utility Operators’ Access to Transport Corridors (secondary legislation under Utilities Access Act 2010)
17	Protection of cellars	✓	x	✓	Retain with amendment	- Addresses valid public safety risk (Bank Street, James Street)

Cl.	Bylaw issue	Recommended outcome of staff review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
18	Repair of fences	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Partially ultra vires (outside Council's powers to require owners through a bylaw to repair or remove fences that impact the amenity value of an area)</li> <li>- The Fencing Act 1978 covers most scenarios involving a public place, except for road or railway reserve, marginal strips under the Conservation Act 1987 and esplanade reserves or strips as defined in the Resource Management Act 1991.</li> </ul>
19	Structures and living accommodation in public places prohibited	✓	x	tbc	Retain with amendment	<ul style="list-style-type: none"> <li>- CI 19.1.b may be unreasonable</li> <li>- CI 19.2 could be shifted into a related information textbox and updated to align with 2023 amendments to the Freedom Camping Act 2011</li> </ul>
20	Building may be removed	✓	x	✓	Redundant. Shift to related info text box	<ul style="list-style-type: none"> <li>- Provided for under s163 LGA</li> </ul>
21	Lighting of obstructions and excavations	X	x	✓	Revoke	<ul style="list-style-type: none"> <li>- Made redundant by Health and Safety at Work Act 2015</li> </ul>
22	Interference with streetlamps and warning lights	X	x	✓	Revoke	<ul style="list-style-type: none"> <li>- Addressed by Summary Offences Act 1981</li> </ul>
23	Building numbers	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Authorised by s22AB Land Transport Act 1998</li> </ul>
24	Flammable material	X	x	✓	Revoke	<ul style="list-style-type: none"> <li>- Addressed by Summary Offences Act 1981</li> </ul>
25	Planting or removal of trees and plants	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Necessary to prevent unwanted planting of trees in public places causing damage to infrastructure or obstruction (permit process)</li> </ul>
26	Vehicle crossings over footways	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Complements resource consenting processes under the Resource Management Act 1991</li> </ul>

Cl.	Bylaw issue	Recommended outcome of staff review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
27	Discharge of surface water	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Partially duplicates provisions in Council's Stormwater Management Bylaw</li> <li>- Useful for parks and reserves</li> <li>- Consider shifting to Stormwater Management Bylaw in future</li> </ul>
28	Horses and stock on beaches	✓	x	✓	Tbc pending stakeholder input	<ul style="list-style-type: none"> <li>- Requires further input from stakeholders, especially transport-disadvantaged coastal communities</li> </ul>
29	Slaughter of animals	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Retain subclause (a) but provide exemption for pest control</li> <li>- Subclause (b) duplicates Litter Act 1979</li> </ul>
30	Parks and reserves	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Bylaw defers to Reserve Management Plans</li> <li>- Could be condensed; several clauses duplicate other legislation (dumping garden material, build structures on public land)</li> </ul>
31	Removal of material from beaches	tbc	tbc	tbc	Tbc pending stakeholder input	<ul style="list-style-type: none"> <li>- Awaiting advice from Northland Regional Council</li> </ul>
32	Activities in the Central Business District and the Town Basin	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Several clauses duplicate other legislation</li> <li>- Inconsistency with busking application form</li> <li>- Subclause (h) inconsistent with s16 Bill of Rights Act (Freedom of peaceful assembly)</li> <li>- Rationale for different treatment of activities in city centre unclear</li> </ul>
33	Control of skateboards, roller skates and bikes	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Inconsistent with Council strategies and plans</li> <li>- It is already illegal to ride a bike with a wheel diameter of 355mm or greater on the footpath under cl 11.11 of the Land Transport (Road User) Rule 2004</li> </ul>

Cl.	Bylaw issue	Recommended outcome of staff review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
						- Consider retaining cl 33.3 to address hazardous riding behaviour
34	Removal of works in breach of the Bylaw	✓	✓	✓	Retain without amendment	- Meets requirement under s163 LGA for bylaw to explicitly authorise remedy and cost recovery
35	Seizure	X	x	✓	Redundant. Shift to related info text box	- For information purposes only
36	Chief Executive Officer or delegate consent	X	x	✓	Redundant. Shift to related info text box	- For information purposes only
37	Amendment by resolution	✓	x	✓	Retain with amendment	- Clause should specify that Council is still bound by Part 6 LGA and must consider community views
38	Offences	✓	x	✓	Retain with amendment	- Shorten clause and supplement with related information on penalties



# ***Control of Advertising Signs Bylaw***

## ***Preliminary Findings Report***

March 2025



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## 1 Introduction

Council's Control of Advertising Signs Bylaw (the Bylaw) regulates the erection and display of signs on both public and private land. Council last reviewed the Bylaw over ten years ago in 2014, so the current iteration will expire in September 2026 if not revoked before then.

This preliminary findings report is intended to provide a baseline for Council to discuss the most appropriate form any future replacement bylaw(s) may take. A high-level but comprehensive analysis of each of the Bylaw's clauses is provided in Section 4 below.

### 1.1 Review methodology

This report has been informed by a scan of the relevant primary (enacted by Parliament) and secondary legislation, including Council's District Plan and bylaws, in addition to Council's relevant strategies and plans.

Staff have met with representatives from key Council departments<sup>1</sup> to discuss the adequacy of its provisions. Staff have also met with a senior road safety engineer from the New Zealand Transport Agency (NZTA), and worked particularly closely with members of the District Plan department to identify inconsistencies and unnecessary duplications between the Bylaw and the District Plan.

The relevant bylaws of neighbouring territorial authorities (TAs), as well as the bylaws of Auckland Council and comparable TAs such as Gisborne District, Whanganui District and Palmerston North City, have contributed as sources of comparison.

## 2 Staff review

### 2.1 *The Bylaw is made under the Local Government Act 2002 and the Land Transport Act 1998, but overlaps with other primary and secondary legislation*

The Bylaw is made under section 145 of the Local Government Act 2002 (LGA) and under section 22AB of the Land Transport Act 1998 (LTA). The Bylaw is also made under the Bylaws Act 1910, the few surviving provisions of which prevail over Council's other bylaw-making powers.

Under section 145 of the LGA, Council can make bylaws to:

- protect the public from **nuisance**;
- protect, promote and maintain **public health and safety**;
- minimise the potential for **offensive behaviour** in public places.

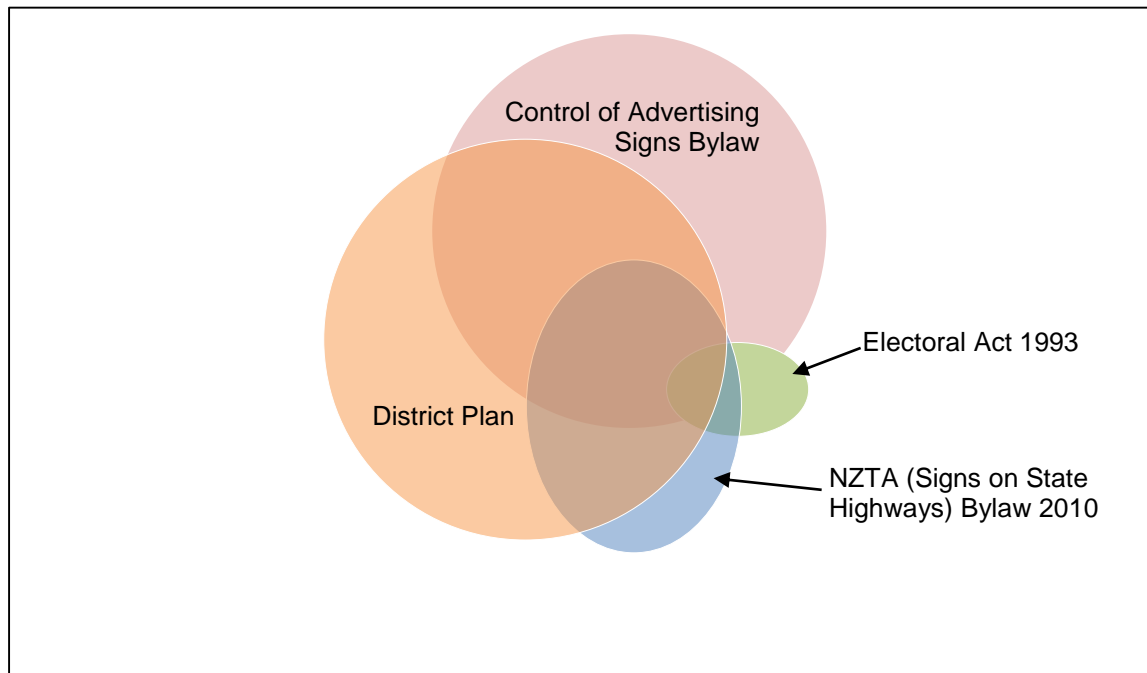
Meanwhile, section 22AB(1)(y) of the LTA offers broader bylaw-making powers for Council, as the road-controlling authority, to regulate or prohibit the display of signs in or next to land or roads controlled by Council (including on or over buildings, bridges, walls, fences, posts, trees, pavements, or hoardings).

But the Bylaw also overlaps with other primary and secondary legislation, most notably:

- Council's District Plan (made under the Resource Management Act 1991 [RMA])
- The New Zealand Transport Agency (Signs on State Highways) Bylaw 2010
- The Electoral Act 1993

Figure 1 below illustrates how these legislative tools interrelate.

<sup>1</sup> Community Development, District Plan, Health and Bylaws, Parks and Recreation, RMA Consents, Transport, and Venues and Events.

**Figure 1: The Bylaw is one of several overlapping instruments that regulate signs**

## ***2.2 Inconsistencies and overlapping provisions between the Bylaw and the District Plan should be removed to reduce uncertainty***

There are several inconsistencies in how Council regulates signs between the Bylaw and the District Plan, in particular in the definitions (clause 3: Interpretation). References in the Bylaw to superseded District Plan zones should also be clarified.

Several clauses of the Bylaw also address activities that are already regulated under Council's District Plan. This is the case in particular with clauses 8 (Signs on verandahs) and 10 (Commercial signs). The fact that these clauses appear in the Bylaw (an LGA mechanism) as well as in the District Plan (an RMA mechanism) leads to confusion for both staff and the public.

The Bylaw could help clarify the situation if it withdrew from regulating signs on private property where practicable and reproduced sign limits under the District Plan as related information.

## ***2.3 Shared responsibility for signs in the state highway corridor and provisions under the Electoral Act 1993 add to the multilayered regulatory landscape***

As illustrated in Figure 1 above, Council's regulatory powers overlap with those of the New Zealand Transport Agency (NZTA), when it comes to signs in the District's state highway corridor, and with the Electoral Act 1993 around local and general election time.

Council has a memorandum of understanding (MoU) with NZTA to clarify which of the two parties regulates different activities on the District's state highways. Under the MoU, Council is responsible for regulating private signs on land adjacent to state highways in "urban areas", defined as those stretches of state highway with a speed limit of 70km/h or less. In such instances, NZTA is listed as an affected party. The MoU states that no advertising signs are to be permitted on state highway road reserve even in urban areas.

The Electoral Act contains default provisions, including a minimum period of nine weeks (the Bylaw states two months) and a minimum permitted size for election signs of 3 square metres during that time (the Bylaw allows larger sizes).

## 2.4 *The Bylaw would be stronger if its purpose matched the extent of Council's powers*

The purpose of the Bylaw is to—

*ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or danger to public safety. The bylaw recognises there is a need to advertise businesses and promote activities, events and commerce whilst also seeking to **maintain aesthetic standards** and **preserve amenity values** [emphasis added].*

Regulating signs in the interest of public safety is consistent with Council's bylaw-making powers under section 145 of the Local Government Act 2002 (LGA). In contrast, it is likely ultra vires (outside Council's powers) to make a bylaw for the purposes of preserving aesthetic standards or amenity values.

## 2.5 *The drafting is circuitous and contains internal inconsistencies, mathematical ambiguities and superfluous information*

Much of the drafting is circuitous and fails to meet the Parliamentary Council Office's plan language standard.

The Bylaw contains internal inconsistencies. For example, clause 14 sets rules for "public amenity signs", defined as signs for purposes other than commercial advertising. But clause 18 then states that the Bylaw does not apply to any public amenity sign.

The Bylaw also contains mathematical ambiguities with potentially major implications for its effect. For instance, real estate signs measuring up to 3m<sup>2</sup>, or potentially 9 square metres, are permitted on road reserve. It is likely that the original intent of the Bylaw was to limit such signs to 3 square metres (equivalent to a standard sheet of plywood).

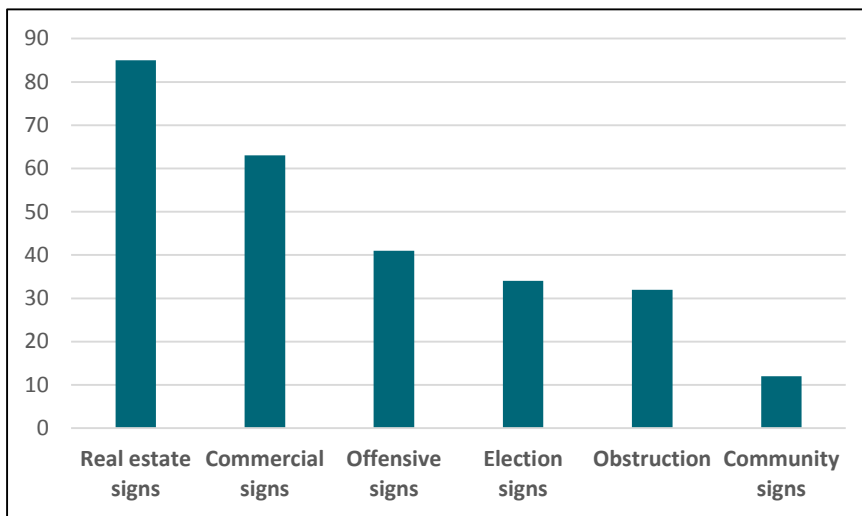
Several clauses either duplicate sections of primary legislation (clauses 19 and 20) and/or belong in related information textboxes (clauses 12, 13, 18, 21 and 23) designed to communicate the intent and effect of the Bylaw without forming part of it, resulting in a Bylaw that is both leaner and more informative.

## 2.6 *Analysis of customer requests data*

Staff identified 330 sign-related complaints in customer request data from October 2014 to December 2024. It is important to note that the data underestimate the total number of complaints received by Council, as many complaints are emailed directly to staff (especially those involving real estate signs) and are therefore not captured by the customer requests data.

Chart 1 below breaks down the total customer complaints over this period by sign type. Of the 85 complaints about real estate signs, 29 complaints concerned signs not on or immediately adjacent to the property being marketed and another 23 related to signs obstructing motorists' sightlines.

**Chart 1: Number of public complaints about signs by type (customer requests data\*, 2014-2024)**



### **2.7 Most enforcement action involves real estate signs**

Council receives up to six requests a day and frequently over 20 per month from real estate agents seeking an exemption under the Bylaw. These requests are time-consuming for Council's enforcement staff. Council's Draft Fees and Charges for financial year 2025/26 provide a mechanism to recoup some of this cost to Council resources.

## **3 Concluding remarks**

The staff review finds that a bylaw remains the most appropriate way of addressing some, but not all, of the matters the Bylaw regulates.

The Bylaw's form should be improved. Much of the drafting is circuitous and contains internal inconsistencies and mathematical ambiguities. Several scenarios are regulated more efficiently elsewhere or belong in related information textboxes rather than in the Bylaw proper.

Inconsistencies and needless overlaps abound between the Bylaw and the District Plan, resulting in confusion for the public and Council monitoring and enforcement staff.

The Bylaw's purpose lacks focus and could be restated more concisely to more reasonably reflect Council's bylaw-making powers.

#### 4 Summary of staff review findings

Cl.	Bylaw issue	Recommended outcome of review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
4	Offensive and discriminatory signs	✓	x	✓	Retain without amendment	- Potential implications under New Zealand Bill of Rights Act 1990 (BORA): s14 Freedom of expression. - But s19 BORA guarantees freedom from discrimination; also, s145 LGA authorises bylaw to minimise potential for offensive behaviour. Language should be modernised.
5	Signs on Council roads, parks and reserves	✓	x	✓	Retain with amendment	- Language should be modernised, but otherwise meets purpose
6	Real Estate Signs	✓	x	✓	Retain with amendment	- Mathematically ambiguous: "one sign [on road reserve] up to 3m <sup>2</sup> " could be equivalent to 9 square metres (larger than three standard sheets of plywood) - Permitted duration could be clarified (e.g. "sign to be removed within XX working days of a sold or leased notification being placed on the sign").
7	Signs on or over roads, footpaths and public places	✓	x	✓	Retain with amendment	- Inconsistencies with National Planning Standards (zone names)
8	Signs on verandahs	x	x	✓	Redundant. Shift to related info text box	- Regulated under District Plan
9	Signs affecting traffic safety	✓	x	✓	Retain with amendment	- Meets purpose but could be reworded for concision and clarity
10	Commercial signs	x	x	✓	Revoke	- Regulated under District Plan
11	Signs on vehicles	✓	x	✓	Retain with amendment	- Reword to avoid unintentionally capturing company-branded vehicles



Cl.	Bylaw issue	Recommended outcome of review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
12	Sign parks	x	x	✓	Redundant. Shift to related info text box	- For information purposes only
13	Banners in Cameron Street Mall	X	x	✓	Redundant. Shift to related info text box	- For information purposes only
14	Sporting, cultural, public amenity or community event signs	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- May be inconsistent with District Plan depending on applicable zone</li> <li>- Mathematically ambiguous: "one sign [on road reserve] up to 3m<sup>2</sup>" could be equivalent to 9 square metres (larger than three standard sheets of plywood)</li> <li>- Event holders sometimes require longer than the permitted two days to remove signs after their event</li> </ul>
15	Election signs	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Maximum period before polling day (two months) is inconsistent with the Electoral Act 1993 (nine weeks)</li> <li>- Maximum election sign sizes (2m<sup>2</sup> to 6m<sup>2</sup> depending on the District Plan zone) are up to 12 times greater than the defaults permitted under s221(B)(2) of the Electoral Act 1993 (3 square metres)</li> </ul>
16	General requirements for the construction and maintenance of signs	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Partially ultra vires (outside Council's powers): "signs shall be professional in presentation"</li> <li>- Reasonable to require signs to be erected and maintained in a safe manner</li> </ul>
17	Exemptions	✓	x	✓	Retain with amendment	<ul style="list-style-type: none"> <li>- Transfer first paragraph to a transitional and savings provisions section</li> <li>- Exemption criteria partially ultra vires ("effect on amenity in the area")</li> </ul>
18	Application of this bylaw	x	x	✓	Redundant. Shift to related info text box	- Internal inconsistency with cl 14 (public amenity signs)

Cl.	Bylaw issue	Recommended outcome of review			Draft recommended direction for new bylaw	Comment
		Bylaw appropriate to address issue?	Bylaw form appropriate?	Consistent with Bill of Rights?		
						- Remaining subclauses could remain for information purposes only
19	Seizure of property not on private land	x	x	✓	Redundant. Shift to related info text box	- For information purposes only (covered by s164 LGA)
20	Seizure of property on private land	x	x	✓	Redundant. Shift to related info text box	- For information purposes only (covered by s165 LGA)
21	Repair or removal of signs	✓	x	✓	Redundant. Shift to related info text box	- Partially ultra vires (outside Council's powers): where signs are "unsightly" - Remaining paragraphs are for information purposes only (covered by s187 LGA)
22	Offences	✓	✓	✓	Retain without amendment	
23	Compliance with clauses	x	x	✓	Revoke	- Superfluous



## 2.3 Whangārei Future Development Strategy - Final revisions

<b>Meeting:</b>	Council Briefing
<b>Date of meeting:</b>	25 March 2025
<b>Reporting officers:</b>	Hamish Sykes (Senior Strategic Planner) Bernadette Aperahama (Manager – Strategic Planning) David Mitchell (Team Leader – Strategy) Hannah Shingler (Strategic Planner)

### 1 Purpose / Te Kaupapa

To update Elected Members on the final changes to the Draft Whangārei Future Development Strategy (FDS) after public consultation.

### 2 Background / Horopaki

This report has been prepared following the Council's public consultation on the [Draft Whangārei Future Development Strategy](#), undertaken from August to September 2024. The [Summary of Submissions report](#), previously circulated to Whangarei District Council (WDC) and Northland Regional Council (NRC), has informed the recommendations and decisions made by the Working Group. Below is a timeline of key milestones in preparing the FDS.

<b>Milestone</b>	<b>Timeframe</b>
Establishment of the FDS Working Group	3 August 2023
Constraints mapping, spatial scenarios, and early engagement	September 2023 – May 2024
Approval of the Draft Hapu Aspiration Statement	May 2024
Council briefing – final feedback from WDC Elected Members	12 June 2024
NRC and WDC approval of the Draft FDS and supporting documents	23 & 25 July 2024
Formal consultation via Special Consultative Procedure	3 August – 2 September 2024
FDS hearings	27 September 2024
Issues and options	29 November– 2 December 2024

A project page containing key documentation for the FDS can be accessed [here](#). The project page contains the following:

- Draft FDS provided for public consultation;
- Hearings report;
- Public submissions; and,

- Issues and Options paper.

## **2.1 Purposes of a Future Development Strategy**

Whangārei's FDS, as required through the National Policy Statement on Urban Development (NPS-UD) 2020 – Updated May 2022, intends to guide and set out:

- How sufficient housing and business capacity will be provided to meet existing and future demand over the next 30 years,
- What our well-functioning urban environments will look like now and into the future, and how to achieve this, and
- Integration and alignment of planning and funding decisions across local government and key partners to deliver our collective vision, objectives, and development principles.

The FDS forms the basis for integrated, strategic and long-term planning. An FDS helps Councils set the high-level vision for accommodating urban growth and identifies strategic priorities to inform other development-related decisions, including:

- Priorities and decisions in regional land transport plans;
- Infrastructure Strategy;
- Priority outcomes in Councils Long Term Plans and Infrastructure Strategies, including decisions on funding and financing; and,
- District plan zoning and related plan changes;
- Advocacy, applications and bids to central government for investment and prioritisation.

## **2.2 Summary of the Whangarei Future Development Strategy**

The FDS consolidates development around existing urban centres and expanded local employment centres. This includes development in the city centre and along a newly formed Primary Growth Corridor, prioritising the provision of newly enabled housing choices.

The city centre will transform into a vibrant, mixed-use area, offering new employment and residential opportunities close to existing amenities. Urban centres will accommodate majority of future growth through brownfield development, enhancing walkable and active neighbourhoods. Minor development in existing coastal settlements will promote self-sufficiency and improve long-term resilience for the Whangārei District. The key outcomes the FDS aims to achieve include:

- Medium and high-density housing that enhances the quality of urban living.
- New business land available through new mixed-use areas, contributing to more localised employment.
- Frequent and high-quality public transport services along the Primary Growth Corridor between Te Kamo and the City Centre. Bus services for Marsden Point and Ruakākā will be responsive to passenger demand.
- High quality active modes support community access to different transport modes.
- More efficient use of infrastructure, with concentrated investment in transport, three waters and social infrastructure along the Primary Growth Corridor and neighbouring urban centres.

- Reduced exposure to natural hazards, and impact on the natural environment, through reducing unplanned urban sprawl into rural and coastal areas.
- Rural and coastal settlements only grow to the levels anticipated in our District's plans. Services are maintained or upgraded over time, focusing on achieving more equitable outcomes for these locations.

**Attachment 1** 'Plan on a Page' summarises the key elements of the strategic spatial framework for the FDS.

### 2.3 Highlights of the formal consultation process and submissions

WDC and NRC undertook formal consultation via the Special Consultative Procedure<sup>1</sup> from 3 August – 2 September 2024. During this period, the project team held events with partners, community and stakeholders. These events included:

- Three community drop-in sessions,
- Two Hapū hui, and
- Four workshops with community groups and organisations.

At the close of public consultation, the Councils had received 134 submissions, including:

- 99 submissions by individuals, and
- 35 submissions by organisations.

The graph below represents individual and organisation responses to each theme, where an answer was provided within the submission form<sup>2</sup>. The themes represent the general approach to growth and development to guide the FDS. Overall, there was more support than opposition for each theme, on average 87% of responses indicated strong support or somewhat support for the proposed approaches for each theme.

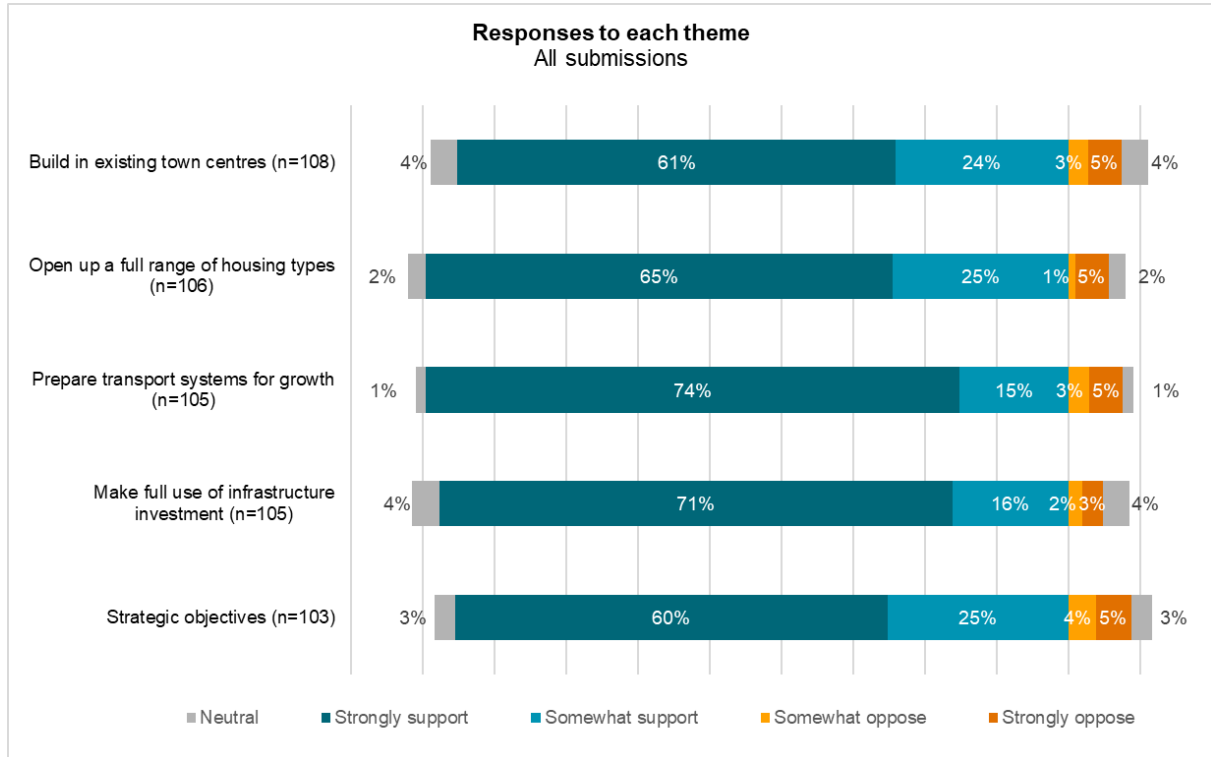
More detailed analysis from individual and organisation submissions is available in the [Summary of Submissions report](#).

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<sup>1</sup> <https://www.legislation.govt.nz/act/public/2002/0084/latest/DLM172328.html>

<sup>2</sup> The graph only represents those responses provided by a submitter through the submission form; not all submitters used the form provided, particularly those submissions from organisations who instead chose to provide an attached document.





### 3 Discussion / Whakawhiti kōrero

#### 3.1 Key changes agreed to by the Working Group

Through the terms of reference, Council delegated key responsibilities for the FDS to the FDS Working Group<sup>3</sup>. The appointed members to the Working Group include:

- Cr Ken Couper (Whangarei District Council)
- Cr Scott McKenzie (Whangarei District Council)
- Cr Geoff Crawford (Northland Regional Council)
- Cr Amy Macdonald (Northland Regional Council)
- Nicki Wakefield (Te Kārearea)
- Sandra Hawken (Te Kārearea)
- Mira Norris (Te Ruarangi – previously Te Taitokerau Māori and Council Working Party)
- Ripeka Read (Te Ruarangi – previously Te Taitokerau Māori and Council Working Party)

Accordingly, the FDS Working Group:

- heard and considered submissions received and
- considered issues and options in response to matters raised in submissions.

This process was necessary due to the FDS being jointly developed with NRC and the challenges around Council calendar management. WDC Elected Members received monthly project updates within the department operational report provided to the Strategy, Planning & Development Committee of Council.

<sup>3</sup> FDS Working Group Terms of Reference: The Working Group has the responsibilities to: Hear and consider submissions on the draft FDS and make appropriate recommendations to the partner Councils.

Deliberations were held with the FDS Working Group with sessions structured by the seven themes that were set during formal consultation. These themes (and links to the associated Issues and Options Report) included:

- [Part A: Building in existing town-centres](#)
- [Part B: Open up a full range of housing types](#)
- [Part C: Prepare transport systems for growth](#)
- [Part D: Make full use of infrastructure investment](#)
- [Part E: Cultural identity and values](#)
- [Part F: Strategic objectives](#)
- [Part G: Other matters](#)

A separate report was prepared in response to the Working Group's request for additional information and staff analysis on outstanding items raised through submissions.

The majority support for the proposed strategic direction for growth and development in the Draft FDS has resulted in no significant shifts away from the preferred development scenario. The submissions received have led to minor amendments or improvements in the existing strategic direction of the FDS, rather than making significant changes to the preferred development scenario.

Final changes have been agreed to by the Working Group and are being actioned by staff. Below is a summary of the key changes and justifications.

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#### Important decisions agreed by the Working Group

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Amendment to the Strategy	Justifications for the decision
Inclusion of a new social infrastructure strategic objective	Submitters expressed that the Draft FDS was silent on social infrastructure outcomes and was not adequately covered through proposed strategic objectives.
Strengthening the Development Principles	<p>Strengthening of the existing Development Principles to clarify the focus on existing urban centres, instead of areas requiring new infrastructure or severely impacted by other constraints.</p> <p>Submitters also stated that Māori freehold land aspirations were not adequately addressed within the development principles. Changes were made to the associated Development Principle to ensure that the FDS was:</p> <ul style="list-style-type: none"> <li>• Consistent with the District Plan,</li> <li>• In accordance with Te Ture Whenua Māori Act,</li> <li>• Aligning with the Draft Hapū Aspiration Statement, and</li> <li>• Responsive to concerns raised through the submission process.</li> </ul>
New Transformational Move on frequent and reliable buses	Submitters were concerned that the Draft FDS appeared to prioritise rail over quality and frequent public transport which could set unrealistic expectations in the short and medium term. These concerns were justified by the differences between rail

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	<p>and buses regarding readiness, cost, and ease of implementation.</p> <p>In response, a new Transformational Move was introduced to focus on improved public transport delivery. This amendment is consistent with the outcomes sought in the FDS.</p>
Amendment to the structure and description of urban centres	<p>The proposed description of urban centres primarily focused on existing urban environments, overlooking other significant development sites that are likely to accommodate substantial residential and business capacity over the next 30 years. This oversight was identified by submitters, who sought improved visibility of these key development areas.</p> <p>To improve upon the nuance of urban centres, these areas are sub-categorised into two:</p> <ul style="list-style-type: none"> <li>• <b>Established Urban Centres:</b> Areas of interest include Marsden Point, Ruakākā, Raumanga, Onerahi, and Tikipunga.</li> <li>• <b>Emerging Urban Centres:</b> Areas of interest include Marsden City, Port Nikau, and Otangarei.</li> </ul> <p>This change aims to ensure that all significant development sites are appropriately acknowledged in a manner that considers their defining characteristics that are most pertinent to the FDS as a whole. It also better aligns with potential amendments to the National Policy Statement – Urban Development (NPS-UD ) indicated by central government.</p>
Amendments to the rural and coastal settlement description	<p>Submitters sought greater acknowledgment of the aspirations and economic contributions of coastal and rural communities, as well as the unique and specific needs for social infrastructure and accessibility compared to their urban counterparts.</p> <p>The rural and coastal settlement description was amended to reflect these requests while also remaining cognisant of the major support from submitters for consolidating and focussing growth within urban areas. For clarity, while this approach may seem to place over-emphasis on urban areas, it actually serves to support and protect the unique characteristics of rural and coastal areas from inappropriate growth and development.</p>

### 3.2 Responding to changes to the Hapū Aspiration Statement

Submitters who provided feedback on the Hapū Aspiration Statement (HAS) generally supported the statements intentions. Submitters advocated for full alignment of the FDS to the HAS, seeing it as a positive vision for the future of all people and communities.

Final decisions will be determined by hapū members who were the lead authors of the HAS, on 17<sup>th</sup> March 2025.

## **4 Next steps**

### **4.1 Looking forward to Councils' final decision-making**

A final FDS will be considered by the Working Group for endorsement ahead of seeking adoption by both WDC and NRC in April 2025. This milestone will then signal the completion of the Working Group's delegated responsibilities.

Staff will be available to engage with Elected Members across both Councils who wish to discuss and understand the Strategy further. At the time of writing, the Project team aim to seek Council approval to adopt the final FDS on the following dates:

- NRC: Tuesday 22nd April 2025
- WDC: Thursday 24th April 2025

### **4.2 Implementation Plan preliminary considerations**

Under Clause 3.18 of the NPS-UD, WDC and NRC must prepare and implement an Implementation Plan for the FDS. Preparatory work for the Implementation Plan is underway to spearhead the next phase of work upon adoption of the FDS. Project staff have been connecting with councils and other agencies across the country who are further advanced in operationalising their FDSs and Implementation Plans. The aim of these early conversations has been to gather advice and key learnings from the development and structuring of their Implementation Plans. Conversations to date have included:

- New Zealand Transport Agency
- Tauranga City Council & Bay of Plenty - Smart Growth
- Nelson City Council & Tasman District Council
- Palmerston North City Council & Horizons Regional Council

A memo outlining key learnings and recommendations for implementing the FDS will be circulated to Councils' Senior Leadership Team and Elected Members in due course.

### **4.3 Central Government Direction**

The FDS and Implementation Plan follows the requirements of the National Policy Statement on Urban Development 2020 – Updated May 2022. New directions are proposed through central government's Urban Growth Agenda, Going for Housing Growth programme, and resource management reforms. These proposals aim to reduce regulation, unlock development and stimulate investment in infrastructure, housing and other activities. These proposals are likely to continue changing the policy settings that impact the FDS and its delivery.

Staff will continue to regularly monitor policy settings and assess the need for changes or adjustments to the FDS and Implementation Plan as necessary.

## **5 Financial/budget considerations / Ngā pānga pūtea/tahua**

The development of the FDS and the Implementation Plan is funded through the existing budget of the Strategic Planning department of WDC, and the project is staying within budget.

The Strategy's implementation will be achieved through future iterations of the Long-Term Plan (LTP), which the FDS must inform. The 2024-34 LTP was developed with guidance from the draft FDS. Specifically:

- The Ruakākā new wastewater disposal, treatment upgrade, and consenting are included in the LTP, with an estimated project delivery timeline from 2024 to 2030.
- Phase 1 of the Whangarei Wastewater Treatment Plant upgrade is included in the LTP, with an estimated project delivery timeline from 2024 to 2030.

## **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. However, the project itself is significant and has been supported by a strong engagement and communications approach. Pending decisions by both WDC and NRC, the project team will work with the Communications staff across both Councils to appropriately close out the project.

## **7 Attachments / Ngā Tāpiritanga**

Attachment 1 – Plan on a Page

# Future Development Strategy

# Plan on a page



## Vision

Whangārei's growth is planned for the betterment of our environment and future generations

## Strategic Objectives

**Quality social infrastructure:** Public spaces and buildings are designed for people to create safe, active neighbourhoods and communities.

**Safe, affordable and equitable access:** People can safely access various places through multiple transport modes, enabling them to participate fully in community life.

**Housing choices:** Whangārei supports pathways for people to secure a home that meets their needs in terms of type, size, quality, location, and affordability.

**Lifting the lifeforce / mauri of our environment:** A thriving environment where ecosystems and our relationships to them are maintained and enhanced over time.

**Employment pathways:** Economic, employment and education opportunities are available throughout Whangārei to ensure business and community needs are met.

**Cultural recognition:** Cultural heritage, identity and diversity is protected and celebrated.

**Emissions reduction:** Climate change mitigation is reflected in our planning and development decisions as we move towards net zero by 2050.

**Resilient development:** Our communities are resilient in a changing climate through limiting exposure and adaptation to effects of natural hazards.

## Hapū Aspiration Statement – Tauākī nā Ngā Hapū o Whangārei

### Te Pae Tawhiti – FDS Vision

All change must be sustainable to revive and enhance Te Taiao / the natural world by achieving:

*He whenua haumako* – Land that is bountiful

*He wai mā* – Fresh and coastal waters that are pure and healthy

*He Iwi whai ora* – People that are flourishing

## Development Principles



The city centre is the focus



The Primary Growth Corridor accommodates significant growth



Urban centres serve as local community hubs



Townships provide essential services for isolated settlements



Rural and coastal settlements only grow to the levels anticipated in our District's plans



Papakāinga, including housing and other activities, are enabled on whenua Māori



Development in Future Urban Zones are phased beyond the long-term

### Legend

- Multi-modal corridor
- Potential passenger and freight link (regional and metro rail)
- Existing state highways
- Existing railway
- City centre
- Urban centres
- Key townships
- Rural and coastal settlements
- Primary growth corridor

## Transformational Moves

- Primary Growth Corridor
- Connection to Nature
- A vibrant and lively city centre, enhanced by a Knowledge Precinct
- Revitalising and restoring community pride in local centres
- Marsden strategic growth area
- Innovative and resilient transport connections
- Frequent and reliable buses
- Freight and passenger rail services

