

# Whangarei District Council

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## Notice of Meeting

A meeting of the Whangarei District Council will be held in the Council Chamber, Forum North, Whangarei on:

**Wednesday  
23 September 2015  
10.30 am**

## Committee

Her Worship the Mayor (Chairperson)  
Cr S J Bell  
Cr S J Bretherton  
Cr C B Christie  
Cr P A Cutforth  
Cr S J Deeming  
Cr S M Glen  
Cr P R Halse  
Cr C M Hermon  
Cr G C Innes  
Cr G M Martin  
Cr B L McLachlan  
Cr S L Morgan  
Cr J D T Williamson

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**OPEN MEETING**  
**APOLOGIES**  
**CONFLICTS OF INTEREST**

Members are reminded to indicate any items in which they might have a conflict of interest.

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## **PUBLIC EXCLUDED BUSINESS**

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**Local Government Act 2002 Amendment Act 2012**

*Full consideration has been given to the provisions of the Local Government Act 2002 Amendment Act 2012 in relation to decision making and in particular the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. Consideration has also been given to social, economic and cultural interests and the need to maintain and enhance the quality of the environment in taking a sustainable development approach.*

**Recommendations contained in the Council agenda may not be the final decision of Council  
Please refer to Council minutes for final resolution**

# 1. Public Forum

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**Reporting officer** Carolyne Brindle (Senior Meeting Co-ordinator)

**Meeting Date** 23 September 2015

## Public Forum

Appendix F in Standing Orders allows for a period of up to 15 minutes to be set aside for a public forum at the commencement of each monthly council meeting.

The time allowed for each speaker is 5 minutes.

Members of the public who wish to participate should send a written application setting out the subject matter and the names of the speakers to the Chief Executive Officer at least 10 working days before the day of the meeting.

## Public Forum – Report on actions taken

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

Speaker	Subject
Alan Lints	Alan Lints – Creating jobs in the Whangarei District
<p><b>Report</b></p> <p>Development Contributions (DC's) are one of the funding options Council uses to ensure the overall cost of Council activities are directed to those that gain benefit. DC's were introduced by Government following a call from the community to reduce the impact of growth on ratepayers as a result of growth.</p> <p>Through the LTP process Council undertook a detailed review of it's DC policy in the light of the new legislation. 70% of growth costs around capital projects are recovered through DC's. The remainder is funded by the ratepayer. This year Council has budgeted to collect \$2.5m in DC's. If DC revenue was removed as a source of funding there are basically three options available:</p> <ul style="list-style-type: none"> <li>• Increase rates to offset the current DC funding levels (Meaning rates could increase by up to 3%)</li> <li>• Increase debt to fund growth projects</li> <li>• Remove growth related projects from the capital projects scheme.</li> </ul> <p>Quality infrastructure is critical to supporting economic growth.</p>	

## 2. Minutes: Whangarei District Council Wednesday, 26 August 2015

*Minutes of a meeting of the Whangarei District Council held in the Council Chamber Forum North on Wednesday 26 August 2015 at 10.30am*

**Present:**

Her Worship the Mayor S L Mai (Chairperson)

Crs S J Bell, S J Bretherton, P A Cutforth, S J Deeming, S M Glen, P R Halse, G C Innes, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

**Apologies:**

Crs C B Christie and C M Hermon

**Moved: Cr Martin**

**Seconded: Cr Deeming**

“That the apologies be sustained.”

**CARRIED**

**Also present:**

A Lints (Public Forum)

A Nock (Far North Holdings Limited)

**In Attendance:**

Chief Executive (R Forlong), Group Manager District Living (P Dell), Group Manager Infrastructure (S Weston), Group Manager Positive Growth (J Thompson), Group Manager Support Services (A Adcock), Economic Development Manager (P Gleeson), Parks and Recreation Manager (P McDonald), Property Manager (M Hibbert), Group Planner (R Rawson), Team Leader Planning (G Sands), Media Relations Adviser (A Midson), Executive Assistant (J Crocombe) and Senior Meeting Co-ordinator (C Brindle)

*J Thompson opened the meeting with a karakia.*

### 1. Public Forum

Alan Lints – Creating jobs in the Whangarei District

### 2. Confirmation of Minutes of a Meeting of the Whangarei District Council held on 22 July 2015

**Moved: Cr Deeming**

**Seconded: Cr Morgan**

“That the minutes of the Whangarei District Council Meeting held on Wednesday 22 July 2015, including the confidential section, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

**CARRIED**

### 3. Confirmation of Minutes of a Meeting of the Extra ordinary Whangarei District Council held on 29 & 30 July and 3 August 2015

**Moved: Cr Cutforth**

**Seconded: Cr Glen**

“That the minutes of the Extra ordinary Whangarei District Council Meeting held on Wednesday 29 July, Thursday 30 July and Monday 3 August 2015, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

**CARRIED**

#### 4. Confirmation of Minutes of a Meeting of the 20/20 Inner City Revitalisation Committee

**Moved: Cr Halse**  
**Seconded: Cr McLachlan**

“That the minutes of the 20/20 Inner City Revitalisation Committee Meeting held on Wednesday 5 August 2015, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.”

**CARRIED**

#### 5. Delegations – General Safety Provisions as to Roads

**Moved: Cr Deeming**  
**Seconded: Cr Martin**

“That Council delegates powers under Section 353 of the Local Government Act 1974 to the Group Manager District Living, Group Manager Infrastructure and Services and the Roading Manager.”

**CARRIED**

#### 6. Kea Place Walkway

**Moved: Cr McLachlan**  
**Seconded: Cr Glen**

- “1. That the information be received.
2. That Council agree to the notification under sections 24(2)(b) and 119 of the Reserves Act of the intention to uplift the reserve classification on Lot 17 DP76601 (accessway reserve) as it does not fulfil its purpose as a reserve and is to be disposed of to the adjoining owner.
3. That Council appoints three Councillors, any two of whom will hear any objections received regarding the revocation of Lot 17 DP76601.
4. That, if the revocation of this land is approved, Council agrees to the sale of the land at the cost value of the process, including property services, staff time and legal costs.”

**CARRIED**

#### 7. Draft Whangarei 20/20 Momentum

**Moved: Cr Halse**  
**Seconded: Her Worship the Mayor**

- “1. That the report be received.
2. That the draft document Whangarei 20/20 Momentum, as approved by the 20/20 Inner City Revitalisation Committee, be adopted for release to the community for comment.”

*An amendment was proposed but subsequently withdrawn with the consent of the meeting.  
 Notice of a further amendment by Cr Cutforth was also withdrawn.*

**The motion was CARRIED**

#### 8. Notice of Motion

**Moved: Cr McLachlan**  
**Seconded: Cr Halse**

“That Council request the Minister of Local Government implement a new approach to the setting of remuneration for elected members.”

*On the motion being put Cr Deeming called for a division:*

*For the motion:*

*Crs Halse, Deeming and McLachlan (3)*

*Against the motion:*

*Crs Innes, Morgan, Martin, Cutforth, Williamson, Glen, Bretherton, Bell and Her Worship the Mayor (9)*

*Absent:*

*Crs Christie and Hermon (2)*

**LOST**

## **9. Opportunities for Commercial Activities Supporting Recreation within William Fraser Memorial Park on Pohe Island**

**Moved: Cr Halse**

**Seconded: Cr Deeming**

- “1. That this report and attachments be received.
2. That Council invites feedback from the public and interested parties on commercial activities within William Fraser Memorial Park on Pohe Island in general, and the cafe proposal presented by the Northland Rugby Union.
3. That Council invite feedback from parties interested in establishing and operating commercial activities within William Fraser Memorial Park on Pohe Island.
4. That staff prepare a draft guidance document on the approval and management of commercial activities within William Fraser Memorial Park on Pohe Island.
5. That staff report back to Council, in order for Council to make a recommendation on a Cafe proposal, and consider a draft guidance policy for adoption.”

**CARRIED**

## **Exclusion of the public**

**Moved: Her Worship the Mayor**

**Seconded: Cr Deeming**

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

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

<b>General subject of each matter to be considered</b>		<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for passing this resolution</b>
C.1	Confidential Minutes of the Whangarei district Council meeting held 22 July 2015	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C.2	Presentation – Property Matter		
C.3	Appointment		
C.4	Agreement Review		

C.5	Property Matter		
C.6	Property Matter		
This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:			
<b>Item</b>	<b>Grounds</b>	<b>Section</b>	
C.1	For the reasons as stated in the open minutes		
C.2	To enable the Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(i)	
C.3	To protect the privacy of natural person	Section 7(2)(a)	
C.4	To enable the Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(i)	
C.5	To enable the Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(i)	
C.6	To enable the Council to carry on without prejudice or disadvantage negotiations	Section 7(2)(i)."	

**CARRIED**

**The meeting closed at 2.04pm**

Confirmed this 23<sup>rd</sup> day of September 2015

S L Mai (Chairperson)

### 3. Minutes: Extra-ordinary Whangarei District Council Tuesday 8 September 2015

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*Minutes of an Extra-ordinary Whangarei District Council meeting held in the Council Chamber, Forum North on Tuesday 8 September 2015 at 9.00am*

**Present:**

Her Worship the Mayor S L Mai

Crs S J Bell (9.02am), C B Christie, P A Cutforth, S J Deeming, S M Glen, C M Hermon, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

**Apologies:**

Crs S J Bretherton, P R Halse and G C Innes

**Moved: Cr Martin**  
**Seconded: Cr Morgan**

“That the apologies be sustained.”

**CARRIED**

**In Attendance:**

Chief Executive (R Forlong), Group Manager District Living (P Dell), Team Leader Environmental Health (R Mussle), Executive Assistance (J Crocombe) and Senior Meeting Co ordinator (C Brindle)

#### 1. Interim Deliberation Report – Local Alcohol Policy (LAP)

**Moved: Cr Glen**  
**Seconded: Cr Hermon**

“That Council continue its deliberations on the draft Local Alcohol Policy.”

**CARRIED**

*Cr Bell joined the meeting at 9.02am during consideration of the above recommendation.*

*Temporary suspension of Standing Orders*

**Moved: Her Worship the Mayor**  
**Seconded: Cr Deeming**

“That Standing Order 3.8 Rules of Debate and 3.9 Motions and Amendments be temporarily suspended to enable free and frank discussion on the submissions and evidence presented on the draft Local Alcohol Policy.”

**CARRIED**

**Deliberations**

Prior to discussion P Dell outlined the key elements of the staff report including:

- Introduction
- What may be contained in a LAP
- Matters that cannot be included in a LAP
- Precautionary principle
- Key Findings – District Profile
- Analysis of submissions.



Council then deliberated and reached an agreed position on the following elements of the policy:

**(i) Hours for Off licensed premises**

Generally agreed that the maximum opening hours for all Off Licensed premises Monday to Friday be 9.00am to 9.00pm.

**(ii) Hours for On licensed and Club licensed premises**

Generally agreed that the hours for on licensed and club licensed premises (outside of the CBD) are Monday to Sunday 8.00am to 1.00am with the option of 11.00pm closing for premises close to or within residential zones.

**(iii) Hours for On licensed premises in the CBD**

Generally agreed that the hours for on-licensed premises in the CBD be Monday to Sunday 8.00am to 1.00am with an extension to 3.00am where they have a one-way-door policy.

**(iv) Hours for Special licences**

1. Maximum Trading Hours - General agreement no change to clause 4.4 of the draft LAP.
2. Discretionary conditions – Generally agreed the discretionary condition for potentially “restricting the use of outdoor areas” and the condition in regard to the need to “keep an incident book” (opposed to violence register); be retained but the others removed.

**Submissions on Sensitive sites**

Generally agreed that a specific position be drafted and included in the provisional LAP being “That all new licenses of any type, except for restaurants or cafes, and Special licenses must be considered in relation to the “sensitive sites” provision.”

Definition of sensitive sites to be similar to that in the Gisborne decision (referenced in the agenda report) and including a ‘generalised’ proximity reference for the District Licensing Committee (DLC) to consider.

**Specific restrictions on the issue of further off licenses for new bottle stores**

Generally agreed no new bottle stores allowed for in the first three years after the LAP becomes operative.

**CBD Zone**

Generally agreed existing CBD area sufficient and appropriate to control hours and concerns relating to amenity in the area directly adjoining the CBD zone.

**Impact Assessments – Health impact assessments**

Generally agreed not to include a requirement for a social health impact assessment to be lodged with an application.

**General**

General agreement that issues raised that could not be addressed through a LAP be documented/captured.

The possibility of an inter agency approach through education, lobbying central government and the mayoral forum may be other options council could consider going forward.

Strategy for management of alcohol issues could be an option in talking to the wider community going forward from this process.

*Cr Christie left the meeting at 11.05am during discussion on Health impact assessments.*

*Reinstatement of Standing Orders*

**Moved: Her Worship the Mayor**  
**Seconded: Cr Hermon**

“That NZ Standing Order 3.8 Rules of Debate and 3.9 Motions and Amendments be reinstated.”

**CARRIED**

**Moved: Cr McLachlan**  
**Seconded: Cr Williamson**

“That staff be directed to prepare:

- a) A Comprehensive Deliberations Report including all deliberations to date; and
- b) A track change document of the draft Local Alcohol Policy encompassing the direction of deliberations.”

**CARRIED**

**The meeting closed at 11.19am**

Confirmed this 23<sup>rd</sup> day of September 2015

S L Mai (Chairperson)

## 4. Minutes: Audit and Risk Committee Wednesday 2 September 2015

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*Minutes of a meeting of the Audit and Risk Committee held in the Council Chamber Forum North on Wednesday 2 September 2015 at 1.00pm*

**Present:**

Cr S L Morgan (Chairperson)

Her Worship the Mayor S L Mai, Crs S J Deeming, J D T Williamson and Philip Jones (Independent Advisor)

**Also present:**

Cr s G C Innes and S M Glen

Sam Ho and Athol Graham (Audit New Zealand)

**In Attendance:**

Chief Executive (R Forlong), Group Manager Support Services (A Adcock), Human Resources Manager (J Antunovich), Health and Safety Manager (D Williamson) and Senior Meeting Co-ordinator (C Brindle)

### 1. Health and Safety Report

**Moved** Her Worship the Mayor  
**Seconded** Cr Deeming

“That the information be received.”

**CARRIED**

**The meeting closed at 1.26pm**

Confirmed this 23<sup>rd</sup> day of September 2015

S L Morgan (Chairperson)

## 5. Ngunguru Catchment Working Group – Council Representative

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**Reporting officer** R Forlong (Chief Executive)

**Date of meeting** 23 September 2015

### ***Vision, mission and values***

*This item is in accord with Council's vision, mission, and values statement.*

### **Background**

Northland Regional Council is establishing a collaborative catchment group to improve erosion and sediment outcomes in Ngunguru Catchments as part of the Waiora Northland Water Programme.

The working group's membership will be reflective of tangata whenua, the community and agencies with interests in the catchment and will report to Northland Regional Council's Environmental Management Committee.

Northland Regional Council have invited representation from the Whangarei District Council.

The Terms of Reference for the catchment group are attached.

### **Background**

Having considered the Significance and Engagement Policy this matter or decision is not considered significant and the public will be informed via Agenda publication on council's website.

### **Recommendation**

1. That the information be received.
2. That Councillor G M Martin be appointed as Council's representative on the Ngunguru Catchment Working Group.
3. That the Chief Executive inform Northland Regional Council of the appointment and that Whangarei District Council's list of Outside Organisations Elected member appointments be updated accordingly.

### **Attachment**

[Terms of Reference: Ngunguru Catchment Working Group](#)

## **Terms of Reference: Ngunguru Catchment Working Group**

### **Introduction**

The Ngunguru catchment is situated 20km north east of Whangarei City and covers an area of 85 km<sup>2</sup>. The catchment consists of a range of land uses and activities including production forestry (21%), indigenous forest (36%), pastoral land (29%), lifestyle properties and the urban coastal settlement of Ngunguru.

Residents have long held concerns over erosion and sedimentation within the Ngunguru catchment. The combination of steep hill country, highly erodible soils, and periodic high intensity rainfall events lead to accelerated soil erosion and downstream flooding. These events contribute sediment to the Ngunguru River and its tributaries into the estuary and out to the coast.

The Ngunguru Catchment Working Group will focus on achieving on ground actions and results, mobilising stakeholders and representative member groups, fostering collaboration and promoting practical solutions.

### **Draft terms of Reference**

**Vision:** To improve land management practice within the catchment with respect to the prevention and mitigation of soil erosion and sedimentation.

**Purpose:** To work collaboratively with the working group to deliver targeted actions for the prevention and mitigation of soil erosion and sedimentation.

To deliver a Ngunguru Catchment erosion and sediment management plan.

**Reporting to:** The Environmental Management Committee (EMC) of the Northland Regional Council (NRC)

**Status:** Working group, appointed by the Environmental Management Committee of the Northland Regional Council.

### **Composition**

**Chairperson:** The Regional Councillor appointed to the group will act as chair.

**Quorum:** A quorum shall include at least 50% of the normal membership.

**Membership:** Members have been selected to reflect the broad interests in water management in the Ngunguru River Catchment and to provide a cross-section of values, understanding

and perspectives. It is expected that members will engage with their organisations and wider networks to share information and get feedback on the matters being considered.

Regional Council	One nominated Northland Regional Council representative who is a NRC Councillor and a member of the EMC.
District Council	One Whangarei District Council elected representative.
Iwi/hapu	Three members nominated by and representative of iwi/hapu with interests in the catchment: Ngati Hau, Te Wairariki, Ngati Korora, Ngati Takapari Hapū Trust, Ngati Hine, Ngatiwai, Ngapuhi, and the Ngunguru marae.
Farming	Two members nominated by their respective drystock and dairy farming interests in the catchment.
Forestry	Two members nominated by Forestry Interests.
Department of Conservation	One member nominated by the Department of Conservation.
Conservation Board	One member nominated by the Northland Conservation Board.
Environmental Interests	One member nominated by the Save Ngunguru Sandspit Committee.
Ratepayers	One member nominated by the Tutukaka Ratepayers Association.
Community	One member nominated by public process to represent residents of the catchment not otherwise represented.
NRC support:	NRC will provide catchment lead, secretariat and administrative support to the catchment group, as well as technical support in line with NRC functions and work programmes.

**Key Tasks:**

1. Develop an erosion and sediment management plan for recommendation to the EMC, including:
  - a. good management practices and other non-regulatory tools for maintaining and improving the erosion issue
  - b. costs and benefits of actions.

- c. an implementation plan
  - d. recommendations for other relevant parties such as government, industry, community groups and landowners to consider / implement.
2. Deliver on ground actions to address sediment generation and sedimentation.

In completing the tasks the Ngunguru Catchment Group will:

- Consult with relevant stakeholders throughout the development of the erosion and sediment plan and recommendations.
- Receive, review and consider technical material as well as consultation and engagement feedback and results.

Key outputs and timeframes:

1. Inaugural meeting of the group: September 2015.
2. Erosion and sediment management plan (final) documenting the uses and values, desired environmental state, and EMC endorsed management options for the catchment: November 2018.
3. On ground actions to address sediment generation and sedimentation.

## 6. Review of the Fire Prevention Bylaw 2005

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**Reporting officer** M R Henehan (Bylaw Co-ordinator )

**Date of meeting** 7 September 2015

### ***Vision, mission and values***

*This item is in accord with Council's vision, mission and values statement as the purpose of this bylaw is to protect the health and safety of the public.*

### **Introduction**

A purpose of the Civil Defence Emergency Management Act 2002 is to improve and promote the sustainable management of hazards. Additionally, in accordance with the Forest and Rural Fires Act (FRFA), the Whangarei District Council is a Rural Fire Authority and has responsibilities which include fire reduction, readiness, response, recovery, enforcement in respect to illegal fires and cost recovery.

The FRFA applies only in rural areas (except state areas and any fire safety margins of these areas); however the Fire Prevention Bylaw 2005 is used for the same purposes in urban and rural areas.

In rural areas the FRFA is used to restrict the use of fire and take action in the event of uncontrolled or dangerous fires. The Fire Prevention Bylaw 2005 extends these powers and functions across the district regardless of the fire authority status, ensuring a single set of rules and guidelines applies to all residents.

Additional powers in both the FRFA and the Fire Prevention Bylaw enable Council to control open fires by issuing permits and declaring restrictions across the district and taking action to control dangerous fires.

The bylaw complements the Northland Regional Plan which regulates activities that discharge contaminants into air, such as outdoor burning, in order to protect air quality. Some activities may require resource consent depending on the nature and location of the activity.

Council last reviewed the Fire Prevention Bylaw in 2005. In accordance with the requirements of the Local Government Act 2002 (LGA) the bylaw is due for a further review.

Section 160 LGA provides that after a review, a local authority can amend, revoke, or revoke and replace the bylaw. In this case, because there are a significant number of changes proposed, it is recommended that Council revoke the bylaw and replace it with the Fires in the Open Air Bylaw 2015. In undertaking the review staff have worked closely with the Rural Fire Officer who is supportive of the bylaw.

### **Significance and Engagement**

Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed via agenda publication on the website and via a public notice. There will also be media releases and pre-consultation with key stakeholders.

The Policy states the special consultative procedure will be used when adopting, amending or revoking bylaws.

### **The Local Government Act**

The Local Government Act 2002 (LGA) provides for the making, amendment and review of bylaws. Section 158 requires a local authority to review a bylaw no later than five years after the date on which the bylaw was made, and thereafter every ten years. Where a bylaw is not reviewed, Section 160A provides that a bylaw is revoked on the date that is two years after the last date on which the bylaw should have been reviewed.

There are three steps in the LGA which are relevant in the making, amending and reviewing of bylaws. The first step involves ensuring that the process complies with decision making requirements and this step identifies alternative options to bylaw controls. The second step requires Council to look at the appropriateness of the proposed bylaw and the final step the making of the bylaw using the special consultative procedure. These are described in more detail below.



## Decision making

In making this decision, Council must comply with the decision making provisions of the Act (Sections 76 to 81 LGA).

Section 77 provides that a local authority must, in the course of the decision making process, seek to identify all reasonably practicable options and then assess those options in respect to:

- the benefits and costs of each option in terms of the present and future interests of the District
- the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option
- the impact of each option on the local authority's capacity to meet present and future needs in relation to any statutory responsibility of the local authority
- any other relevant matters.

The options are:

- 1 Do nothing and assess the effects of no bylaw
- 2 Education
- 3 Establish a policy
- 4 Review the bylaw

### Do nothing

Advantages	Disadvantages
Cost savings (there may be hidden costs from permitting some activities)	No enforcement Nuisance problem increases Potential for proliferation Perception that Council is doing little to resolve the problem Potential for serious incidents to occur

### Education

Advantages	Disadvantages
Limited "set up" costs Limited ongoing allocation of resources	No enforcement options Potential for proliferation Individuals may not listen to the message Perception that Council is doing little to resolve the problem

### Establish a policy

Advantages	Disadvantages
Clear communication of the issue Minimal cost	No enforcement options Individuals may not listen to the message Potential for proliferation Perception that Council is doing little to resolve the problem

### Review the bylaw

Advantages	Disadvantages
A range of enforcement options "Ownership" of the problem Timely and appropriate response to complaints A flexible approach to all situations A framework to facilitate cost recovery	Some cost implications to provide ongoing resources.

In this case, Council may consider that a review of the Fire Prevention Bylaw 2005 followed by revocation of the bylaw and replacing it with the Fires in the Open Air Bylaw is the most appropriate option in terms of the present and future interests of the District, and in respect to our community outcomes of “*A District which enjoys and treasures its natural and cultural values*” and “*A District which is safe and crime free*”.

Section 78 provides that a local authority must, in the course of its decision making process, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter. That consideration must be given at the stage at which:

- problems and objectives are defined
- reasonably practicable options are identified
- reasonably practicable options are assessed and proposals developed
- proposals are developed.

However this section should be read in conjunction with Section 83 which details the Special Consultative Procedure including the requirement for the development of a statement of proposal and a summary of information which will be developed and presented for public consultation subject to Council’s decision on this matter.

Section 79 requires local authorities to make judgements about how to achieve compliance with the decision making requirements of the Act. In summary, the degree of compliance required is largely in proportion to the significance of the matters affected by the decision.

Section 80 requires local authorities to identify decisions that are inconsistent with any policy adopted by the local authority or any plan required by any enactment. There are no known inconsistencies between this proposed policy and bylaw and any other Council document.

### **The review process – does the bylaw continue to be appropriate?**

Section 146 of the Local Government Act 2002 (LGA) enables territorial authorities to make bylaws for one or more of the following purposes:

- a protecting the public from nuisance
- b protecting, promoting, and maintaining public health and safety
- c minimising the potential for offensive behaviour in public places

The Fire Prevention Bylaw 2005 controls the lighting of fires in the open air to protect and maintain public safety.

Section 155(1) of the Act provides that a local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.

Section 159 states that a review of a bylaw must take the form of a reconsideration of the matters set out in Section 155.

### **Costs**

Enforcement will be undertaken by Council’s contractor, Forest Protection Services Ltd, using existing resources.

### **Form of Bylaw and Bill of Rights Act**

With the issues and options having been presented above, Council may have reached a conclusion that reviewing the Fire Prevention Bylaw 2005, then revoking the bylaw and making the Fires in the Open Air Bylaw 2015, is the most appropriate way of addressing the perceived problem. This being the case, Council should now consider whether the proposed bylaw is the most appropriate form of bylaw and whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (Section 155(2) LGA).

It is viewed that the proposed bylaw does not unreasonably impinge on the rights and freedoms contained in the New Zealand Bill of Rights Act. The proposed bylaw follows the Standards NZ format and is seen as the most appropriate form of bylaw.

## Special Consultative Procedure

Section 156 states Council must use the special consultative procedure if the bylaw concerns a matter identified by the local authority as being of significance to the public; or, if the local authority considers that there is likely to be a significant impact on the public due to the proposed bylaw changes.

Whilst neither of the above criteria apply in this case, Council's Significance and Engagement Policy specifies that the special consultative procedure should be followed during the consultation process.

Should Council resolve to review the bylaw (as per paragraph one of the recommendation below), which will continue to see a bylaw remain in force, the next step in the process is to adopt a statement of proposal and a summary of information and seek the views of the community in accordance with the special consultative procedure (Section 83 LGA).

The process which Council must follow is:

- A statement of proposal is considered by Council. The statement must include a draft bylaw and the reasons for the proposal.
- A summary of information is included in the statement of proposal. It must be a fair representation of the major matters in the statement of proposal and be distributed as widely as reasonably practicable. The summary of information must indicate where the statement of proposal may be inspected, how a copy may be obtained and the time frame available for public submissions.
- The statement of proposal will be available for public inspection on Council's website and at Council offices in Whangarei and Ruakaka and at public libraries at Whangarei, Kamo and Onerahi, and the Mobile Library.
- If the statement of proposal is adopted, the proposal is publicly notified along with the draft annual plan and a period of one month is allowed with submissions accepted from Monday 5 October 2015 until 5pm on Friday 6 November 2015.
- Public hearings on any submissions are set down to be heard by Council on 25 November 2015.
- The proposal is considered and adopted at the Wednesday 16 December 2015 meeting of Council.

## The proposed bylaw

In drafting the Fires in the Open Air Bylaw, the New Zealand Standards model general bylaw was referred to. The following is a summary of clauses in the draft bylaw:

Clause	Content	Comment
4	Fires in the open	Clarifies circumstances where a fire can be lit in an open fire season. New requirement to have an acceptable means of fire suppression available. Similar to clause 3 of the current bylaw.
5	Restricted fire season	Clarifies process of declaration of a restricted fire season, issuing permits during this season. Contains significant further detail than Clause 5.1 of the current bylaw.
6	Prohibited fire season	Clarifies process of declaration of a prohibited fire season, issuing permits during this season. Contains significant further detail than Clause 5.1 of the current bylaw.
7	Public notice of restricted or prohibited fire season	Similar to the current clause 5.2
8	Revocation or suspension of permits	Significant clarification from the current bylaw (clause 5.2)
9	Fees for permits	A new clause. Fees will be set annually in accordance with Council's fees and charges process.
10	Council may extinguish fires	Sets out power to enter onto land to extinguish fires and to recover costs. A new clause.
11	Live ashes	Regulates where cinders, ashes or embers can be left. A new clause.

12	Storage of combustible materials	Regulates how and where combustible materials are stored. A new clause.
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### Statement of Proposal

A statement of proposal, which includes the current bylaw and the proposed bylaw, and reasons for the recommended changes, is attached.

### Summary

Council must conduct a review of the bylaw before progressing to revoking the bylaw and replacing it with the Fires in the Open Air Bylaw 2015 Bylaw. A review includes taking the steps as indicated in paragraph one of the recommendation below.

After resolving to adopt the recommendation in paragraph one, Council can then adopt the attached statement of proposal, which includes the proposed amended bylaw and a summary of information, as per paragraphs two and three of the recommendation below.

Public submissions can then be called for.

## Recommendation

- 1) That Council, in considering the issue of fires in the open air, determines that:
  - a A bylaw is the most appropriate way of addressing the perceived problem.
  - b The proposed bylaw, as attached, is the most appropriate form of bylaw.
  - c The proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- 2) That Council reviews the Fire Prevention Bylaw 2005, with the review to include a proposal to revoke the bylaw and make the Fires in the Open Air Bylaw 2015 and adopts the statement of proposal (attachment 1 of agenda report) containing a summary of information.
- 3) That Council seeks public submissions to the proposal to revoke the Fire Prevention Bylaw 2005 and make the Fires in the Open Air Bylaw 2015 in accordance with the special consultative procedure as provided in Section 83 of the Local Government Act 2002.

### Attachments:

1. [Statement of Proposal – Revocation of the Fire Prevention Bylaw 2005 and replacement with the Fires in the Open Air Bylaw 2015](#)
2. [Fire Prevention Bylaw 2005](#)
3. [Draft Fires in the Open Air Bylaw 2015](#)

## **Statement of Proposal**

**Revocation of the Fire Prevention Bylaw 2005  
and replacement with the Fires in the Open  
Air Bylaw 2015**

September 2015

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### Attachments:

Submission form

Fire Prevention Bylaw 2005

Proposed Fires in the Open Air Bylaw 2015

## 1 Introduction

In accordance with Section 160 of the Local Government Act 2002 (LGA), Council has reviewed the Fire Prevention Bylaw 2005. Council now proposes to revoke the bylaw and replace it with the Fires in the Open Air Bylaw 2015.

The Draft Fires in the Open Air Bylaw 2015 is based on the New Zealand Standard model bylaw.

## 2 Purpose

A purpose of the Civil Defence Emergency Management Act 2002 is to improve and promote the sustainable management of hazards. Additionally, in accordance with the Forest and Rural Fires Act (FRFA), the Whangarei District Council is a Rural Fire Authority and has responsibilities which include fire reduction, readiness, response, recovery, enforcement in respect to illegal fires and cost recovery.

The FRFA applies only in rural areas (except state areas and any fire safety margins of these areas); however the Fire Prevention Bylaw 2005 is used for the same purposes in urban and rural areas.

In rural areas the FRFA is used to restrict the use of fire and take action in the event of uncontrolled or dangerous fires. The Fire Prevention Bylaw 2005 extends these powers and functions across the district regardless of the fire authority status, ensuring a single set of rules and guidelines applies to all residents.

Additional powers in both the FRFA and the Fire Prevention Bylaw enable Council to control open fires by issuing permits and declaring restrictions across the district and taking action to control dangerous fires.

Council engages a contractor to carry out this role.

## 3 Discussion

The draft bylaw is written in a manner which will be more easily understood and also aligns with similar provisions under the FRFA. It is similar in scope to the existing bylaw but with separate clauses relating to prohibited and restricted fire seasons. Also included are new clauses relating to public notice of restricted or prohibited fire season (clause 7), Revocation or suspension of permits (clause 8), Fees for permits (clause 9), Council may extinguish fires (clause 10), Live ashes (clause 11) and Storage of combustible materials (clause 12). The table below details changes from the Fire Prevention Bylaw 2005:

Clause	Title	Comments
3	<b>Interpretation</b>	Includes new definitions of prohibited and restricted fire seasons, incinerator, incinerator fire, ethnic cooking fire.
4	<b>Fires in the open</b>	Clarifies circumstances when fires cannot be lit in an open fire season.
5	<b>Restricted fire season</b>	This clause permits Council to prescribe a restricted fire season and enables granting of permits during this period.
6	<b>Prohibited fire season</b>	This clause permits Council to prescribe a prohibited fire season and enables granting of permits during this period.
7	<b>Public notice of restricted or prohibited fire season</b>	Similar to clause 5.2 of the 2005 bylaw.
8	<b>Revocation or suspension of permits</b>	Similar to clause 5.1 of the 2005 bylaw.
9	<b>Fees for permits</b>	Clarifies that Council may specify fees for the issue of any permit under the bylaw.
10	<b>Council may extinguish fires</b>	New clause which clarifies that Council may enter on property and extinguish fires and may recover costs incurred in extinguishing fires. Reflects existing powers under the Forest and Rural Fires Act 1977(?).
11	<b>Live ashes</b>	New clause which imposes restrictions on where live ashes can be placed.

Clause	Title	Comments
12	<b>Storage of combustible materials</b>	New clause which restricts the storage or stacking of combustible materials.

Copies of the Fire Prevention Bylaw 2005 and the proposed Fires in the Open Air Bylaw 2015 are attached.

## 4 Summary of Information

Public submissions are invited in respect to the proposed revocation of the Fire Prevention Bylaw 2005 and the proposed Fires in the Open Air Bylaw 2015.

In accordance with Section 160 of the Local Government Act 2002 (LGA), Council has reviewed the Fire Prevention Bylaw 2005 and proposes to revoke this bylaw and replace it with the Fires in the Open Air Bylaw 2015.

Public submissions are invited in respect to this proposal.

A purpose of the Civil Defence Emergency Management Act 2002 is to improve and promote the sustainable management of hazards. Additionally, in accordance with the Forest and Rural Fires Act (FRFA), the Whangarei District Council is a Rural Fire Authority and has responsibilities which include fire reduction, readiness, response, recovery, enforcement in respect to illegal fires and cost recovery.

The FRFA applies only in rural areas (except state areas and any fire safety margins of these areas); however the Fire Prevention Bylaw 2005 is used for the same purposes in urban and rural areas.

In rural areas the FRFA is used to restrict the use of fire and take action in the event of uncontrolled or dangerous fires. The Fire Prevention Bylaw 2005 extends these powers and functions across the district regardless of the fire authority status, ensuring a single set of rules and guidelines applies to all residents.

Additional powers in both the FRFA and the Fire Prevention Bylaw enable Council to control open fires by issuing permits and declaring restrictions across the district and taking action to control dangerous fires.

The proposed Fires in the Open Air Bylaw 2015 is written in a manner which will be more easily understood and also aligns with similar provisions under the FRFA. It is similar in scope to the existing bylaw but with separate clauses relating to prohibited and restricted fire seasons. Also included are new clauses relating to public notice of restricted or prohibited fire season (clause 7), Revocation or suspension of permits (clause 8), Fees for permits (clause 9), Council may extinguish fires (clause 10), Live ashes (clause 11) and Storage of combustible materials (clause 12).

A full summary of the proposed changes can be found in the Statement of Proposal above.

The consultation period will commence on Monday 5 October 2015 and will conclude at 5pm on Friday 6 November 2015.

Hearings are planned for the meeting of Council on Wednesday 25 November 2015 with a final agenda item to be considered at the meeting of Council on Wednesday 16 December 2015.

Copies of Council's statement of proposal for the revocation of the Fire Prevention Bylaw 2005 and replacement with the Fires in the Open Air Bylaw 2015 may be inspected at Council offices at Forum North and Ruakaka and at public libraries in Whangarei, Kamo and Onerahi and the mobile library.

The Statement of Proposal and a submission form will be available on Council's website [www.wdc.govt.nz/submissions](http://www.wdc.govt.nz/submissions).

Alternatively submissions on the proposed amendment may be made in writing to Council. Submitters should indicate whether or not they wish to present their submission to Council in person.

The submission should be addressed to:  
Fire Prevention Bylaw Review Submission  
Whangarei District Council  
Private Bag 9023  
Whangarei 0148

or email to [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz)



## Submission Form: Review of the Fire Prevention Bylaw

Thank you for taking this opportunity to comment on this bylaw review. We welcome your feedback.

### Points to remember when making a submission

- Please print clearly. The form should be easy to read and be understood, and may need to be photocopied.
- We will respond in writing to every submission received. Please ensure that you provide appropriate contact details so that our response gets back to you.
- All submissions are considered public under the Local Government Official Information and Meetings Act, and may be published and made available to elected members and the public.
- Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

### How to get this form to us

Mail to: Fire Prevention Bylaw Review Submission  
Whangarei District Council  
Private Bag 9023  
WHANGAREI 0148

Fax to: 09 438 7632

Email to: [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz)

**The consultation period begins at 8am on Monday 5 October 2015 and concludes at 5pm on Friday 6 November 2015**

### Please enter your details below

First name(s) \_\_\_\_\_

Last name \_\_\_\_\_

Postal address \_\_\_\_\_

Best daytime phone number \_\_\_\_\_ Mobile \_\_\_\_\_

Email \_\_\_\_\_

I am writing this submission ( *box*)  as an individual  on behalf of an organisation

Name of organisation \_\_\_\_\_

**Do you wish to be heard in support of your submission?** ( *box*)  Yes  No

### Please write your comments below

**If you wish to comment on any specific clause, please include the heading and page number.**

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# **Fire Prevention Bylaw**

**2005**



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## 1 Short title and commencement

- 1.1 This bylaw may be cited as the Whangarei District Fire Prevention Bylaw 2005.
- 1.2 This bylaw shall come into force on 14 December 2005.
- 1.3 This by-law should be read in conjunction with Council's Rural Fire Plan.

## 2 Interpretation

### Interpretation and definitions

- 2.1 In this bylaw, unless the context otherwise requires:
  - a **Barbecue** - means any fixed solid fuel equipment, or fixed or portable gas equipment, for cooking food.
  - b **Council and Council** - means Whangarei District Council.
  - c **District** - means the territorial District administered by Whangarei District Council.
  - d **Fire Brigade** - means a fire brigade as defined in Section 2 of the Fire Service Act 1975.
  - e **Warranted Rural Fire Officer** - means a Rural Fire Officer appointed under Section 13 of the Forest and Rural Fires Act 1977.
  - f **Chief Fire Officer and Deputy Chief Fire Officer** - means the Chief Fire Officer appointed under Section 27 of the Fire Service Act 1975 or the Deputy Chief Fire Officer appointed under Section 27 of the Fire Service Act 1975, or in the absence of both of them, the person in time being in charge of the fire brigade.
  - g **Occupier** - means, in relation to any premises, the owner and includes any tenant, agent, manager, foreperson or other person apparently acting in the general management or control of the premises.
  - h **Open Air, in relation to fires** - means otherwise than within:
    - i A fireplace (*including any enclosed fireproof place or incinerator for combustion by fire*) constructed and maintained in a dwelling or other structure or in any other place to the approval of the public or local authority having jurisdiction to issue the relevant permit to build such dwelling or structure or to authorise the construction or installation of the fireplace; or
    - ii An incinerator operated by or with the written approval of the Director-General of Conservation or of a Fire Officer having jurisdiction to issue permits to light fires within the District; or
    - iii Any barbecue, whether fixed or portable
      - a Which is of a type or construction prescribed by regulations under the Forest and Rural Fires Act, 1977 or authorised, specifically or generally, by the Principle Rural Fire Officer or Chief Fire Officer within whose jurisdiction the barbecue is to be used; and
      - b Which is used in any area so prescribed or authorised:
    - iv Such other receptacle or place as may from time to time be authorised by the Principal Rural Fire Officer or be prescribed.
  - i **Open Season or Open Fire Season**, means a period of time, whether of fixed or indefinite duration, during which period the lighting of fires in the open air in the District is neither prohibited nor restricted under this bylaw.
  - j **Permit** in relation to the lighting of fires in the open air, means a fire control measure in accordance with which a person may light such fires without committing an offence against this bylaw.
  - k **Premises** means both land and buildings and any part thereof.

- l **Prohibited Fire Season** means a period of time, whether of fixed or indefinite duration, specified pursuant to this bylaw, during which period the lighting of fires in the open air is prohibited.
- m **Restricted Fire Season** means a period of time, whether of fixed or indefinite duration, specified pursuant to this bylaw, during which period permits are required by this bylaw for the lighting of fires in the open air.
- n **Principal Fire Officer**
  - a In relation to any State area for which a Principle Rural Fire Officer is appointed by the Minister of Conservation, or any other District for which a Principle Rural Fire Officer is appointed by the Fire Authority, means that officer or, where he is absent or unavailable or unable to act, the person acting as Principle Rural Fire Officer pursuant to the Fire Plan for that area or District.
  - b In relation to any District (*other than a State area*) for which there is only one Fire Officer, means that fire officer or, where he is absent or unavailable or unable to act, the person acting as Principle Rural Fire Officer pursuant to the Fire Plan for that District.
  - c In relation to any State area for which no Principle Rural Fire Officer has been appointed by the Minister of Conservation, means any Rural Fire Officer appointed under section 13(3) of this Act and any warranted officer appointed under section 59(1) of the Conservation Act 1987.
- o **Council's Principle Rural Plan** means a fire plan:
  - a required under section 12(4) of the Forest Rural Fires Act, 1977; and
  - b prescribed in subpart of 1 of Part 2 of the Forest and Rural Fires Regulations 2005.
- p **Vegetation** includes:
  - i All plants and the produce thereof, live or dead, standing, fallen, windblown, cut, broken, pulverised, sawn, or harvested, natural or disturbed, in use or as waste, rubbish, refuse or debris, stump, stubble or otherwise; and
  - ii Fossil fuel exposed at or lying within 20 metres of the surface of any land; and
  - iii Peat in any form but does not include wood forming part of a structure or otherwise in processed form.
- q **Chief Executive Officer** means the person appointed as the chief executive officer of Council or such officer of Council as he/she delegates to act on his/her behalf.

### 3 Fires in open air

- 3.1 No person shall make or light or, having made or lit, allow to remain alight any fire in the open air other than:

#### Fires in Open Air

- a During an open fire season; or
- b Pursuant to and in accordance with the conditions of a written permit issued during a restricted fire season by the Principle Rural Fire Officer.

### 4 Permits for lighting fires in the open air

- 4.1 Notwithstanding the provisions of Clause 3 of this bylaw no person shall light any fire in the open air and no person being the occupier of any premises shall cause, allow or suffer any such fire to be lit there or continue to burn:

#### Permits

- a While a strong wind is blowing or when conditions are such that the fire is likely to spread beyond the limits of the premises; or other property; or
- b Which is within five metres of any part of a building, tree, hedge, fence or other combustible material; or

c Without maintaining adequate supervision.

4.2 Every permit to light a fire in the open air shall be in the form or to the effect of Form 6 in the Schedule to the Forest and Rural Fires Regulations 2005.

4.3 The Chief Executive Officer may prescribe fees for the issue of permits to light fires in the open air.

## **5 Prohibition of fires during periods of particular fire hazard**

5.1 The Principle Rural Fire Officer may at any time where in his/her opinion special reasons exist to prevent the outbreak or spread of fire, specify any restricted or prohibited fire season or seasons in the District or in any specified part or parts of the District and may at any time and from time to time cancel or vary any such season or seasons, in accordance with Council's Rural Fire Plan.

### **Prohibition of Fires**

5.2 The Chief Executive Officer shall give public notice of any restricted or prohibited fire season made under sub clause 1 of this clause by:

a Radio or television broadcast or other effective means within the District; or

b Notice in a daily newspaper circulating throughout the District.

## **6 Offences and penalties**

6.1 No person shall light any fire in the open air and no person being the occupier of any premises shall cause, permit or suffer any such fire to be lit there or to continue to burn in contravention of any of the provisions of this bylaw.

### **Exemptions**

6.2 Any person who does, or causes to be done, anything in contravention of this bylaw or who shall omit or neglect to do or knowingly permit to remain undone, any matter or thing required under this bylaw will be liable for the penalties prescribed by of the Local Government Act 2002 and its amendments.

# **Fires in the Open Air Bylaw**

**2015**

**DRAFT**



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## 1 Introduction

- 1.1 This bylaw is made in accordance with the Local Government Act 2002 and the Rural Fires Act 1977.
- 1.2 This bylaw shall come into force on 2015.
- 1.3 This bylaw should be read in conjunction with Council's Rural Fire Plan.
- 1.4 This bylaw should be read in conjunction with the Regional Air Quality Plan produced by the Northland Regional Council, which requires that resource consent be sought for most burning activities within the Whangarei airshed.

## 2 Purpose

The purpose of this bylaw is to allow Council to exercise control over burning in the open air in urban areas of the district and to prevent smoke from fires in the open air causing a nuisance.

## 3 Definitions and Interpretation

### Interpretation and definitions

In this bylaw, unless the context otherwise requires:

**Acceptable means of fire suppression** means a hose connected to a reticulated water supply or an alternative means of fire suppression approved in writing in a particular area by the CE or delegate.

**Barbecue** means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

**CE or delegate** means the person appointed as the Chief Executive of the Whangarei District Council and includes the Principal Rural Fire Officer and any other officer acting under the delegated authority of the Chief Executive.

**Ethnic cooking fire** means any hangi, umu or similar fire in the open air and used for the preparation of food using ethnic cooking methods.

**Fire permit** means a permit to light a fire in the open air granted in accordance with clause of this bylaw.

**Incinerator** means a container used for burning of waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.

**Incinerator fire** means a fire within an incinerator

**Open air** means in the open air whether on or above ground level.

**Open fire season** means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is permitted.

**Prohibited fire season** means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is prohibited in accordance with clause 6 of this bylaw.

**Restricted fire season** means a period of time whether of fixed or indefinite duration during which period permits of authorities are required for the lighting of fires in the open air in accordance with clause 5 of this bylaw.

## 4 Fires in the open

No person shall in any open fire season light any fire in the open air including a barbecue, ethnic cooking fire, or an incinerator fire where the location, wind or other conditions cause or are likely to cause the fire to become:

- a. A danger to any person or property; or
- b. Out of control or spread beyond the limits of the premises on which it is lit; or
- c. A smoke or ash nuisance to any person.

## 5 Restricted fire season

- 5.1 The CE or delegate may at any time prescribe a restricted fire season or seasons within the District or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.
- 5.2 Any person wishing to obtain a fire permit during a restricted fire season shall apply to the CE or delegate.
- 5.3 The CE or delegate may from time to time prescribe a form of application for the purposes of clause 5.2
- 5.4 On written application under clause 5.2 the CE or delegate may issue a fire permit and may impose such conditions and restrictions in respect of the permit as the CE or delegate considers reasonably necessary having regard to:
  - a. Any cultural requirements or practices;
  - b. The location, terrain, natural vegetation, and the existence of buildings or other structures and any other fuels; and
  - c. Protection of the health, safety and convenience, of persons on the premises in respect of which the permit is used and adjoining lands and premises
  - d. Weather and any other fire danger.
- 5.5 Nothing in clause 5.2 shall apply to an ethnic cooking fire, an incinerator or a barbecue. Provided that Council may in certain circumstances include the above where it considers necessary to do so.
- 5.6 Unless permitted by the CE or delegate, no person shall, in a restricted fire season light any fire in the open air and no person, being the occupier of any premises shall cause, permit or suffer any fire to be lit or continue to burn in the open air on those premises.

## 6 Prohibited fire season

- 6.1 The CE or delegate may at any time prescribe a prohibited fire season or seasons within the district or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.
- 6.2 Unless permitted by the CE or delegate, no person shall, in a prohibited season, light any fire in the open air and no person, being the occupier of any premises shall cause, permit or suffer any fire to be lit or continue to burn in the open air on those premises.
- 6.3 On written application the CE or delegate may issue a fire permit to prevent, reduce, or overcome any hazard to life or health or in other serious emergency or where weather or other conditions have so temporarily reduced the fire hazard so as to make it apparently safe to light a fire and may impose such conditions and restrictions in respect of the permit as the CE or delegate considers reasonably necessary having regard to:
  - a. Any cultural requirements or practices;
  - b. The location, terrain, natural vegetation, and the existence of buildings or other structures and any other fuels; and
  - c. Protection of the health, safety and convenience, of persons on the premises in respect of which the permit is used and adjoining lands and premises
  - d. Weather and any other fire danger.
- 6.4 Nothing in clause 6.2 shall apply to an ethnic cooking fire, an incinerator or a barbecue. Provided that Council may in certain circumstances include the above where it is considered necessary to do so.

## 7 Public notice of restricted or prohibited fire season

Public notice of the prescription of a restricted or a prohibited fire season made under clause 5 or clause 6 or the cancellation of such a prescription shall be made by:

- a. Broadcast or other similar means within the district; or
- b. By a notice inserted in a daily or community newspaper circulating within the district; or

- c. By any effective means.

## 8 Revocation or suspension of permits

- 8.1 Subject to clause 8.2 every fire permit issued in accordance with clause 5 shall remain in force from the date of issue until the date of expiry of the period, date or time specified in the permit, unless a prohibited fire season is declared.
- 8.2 Notwithstanding any other provisions in this bylaw, any permit issued under this part of the bylaw may be revoked or suspended by the CE or delegate at any time, or suspended for such periods of time on such terms and conditions, as the CE or delegate may consider reasonable in the circumstances.

## 9 Fees for permits

Council may, from time to time, by resolution publicly notified, specify the fee or fees payable in respect of the issue of any permit under this bylaw. Any fee prescribed shall be paid upon uplifting the permit.

## 10 Council may extinguish fires

- 10.1 Where a fire has been lit or allowed to burn in:
- An open fire season in breach of clause 4; or
  - A restricted fire season in breach of the conditions or a fire permit issued in accordance with clause 5; or
  - A prohibited fire season in breach of clause 6; or
  - Contravention of the Regional Air Quality Plan.

Any officer or agent of Council (including the New Zealand Fire Service) may extinguish any such fire or direct the occupier of the premises on which the fire is located, or the person who lit the fire, to extinguish such fire.

- 10.2 Where the CE or delegate has extinguished a fire pursuant to clause 10.1 Council may recover the costs incurred in extinguishing the fire from the occupier of premises on which the fire was located, or the person who lit the fire.
- 10.3 Where any occupier of premises upon which a fire in the open air is located, or a person who lit such fire, disregards a Council direction under clause 10.1 to extinguish the fire, the CE or delegate may authorise an agent of the Council (including the New Zealand fire Service) to extinguish the fire and to take such other steps as may be necessary to ensure the safety of any person or to protect the premises, or any other property.
- 10.4 Council may recover from the occupier of the premises, or the person who lit the fire, any costs incurred by it as a result of its officer or agents taking any action authorised by the CE or delegate under clause 10.3.

## 11 Live ashes

No person shall place any live cinders, embers or ashes in or upon any premises other than:

- In a container made and constructed of concrete or other similarly fire resistant material to prevent the transmission of heat to any combustible material; or
- In a pit or upon a fire resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise.
- As part of an ethnic cooking process including hangi or umu.

## 12 Storage of combustible materials

- 12.1 Except as provided in clause 12.2 and clause 12.3, no occupier of any premises shall permit the storage or stacking in the open of any combustible material, unless the distance of the stack from any boundary other than a street boundary is at least equal to the height of the stack, but in any case not less than 1.4 metres.
- 12.2 A stack may be placed closer to the boundary than the distance specified in clause 12.1 if a brick, stone or concrete wall extending not less than 450 millimetres beyond the length of the stack, is situated between the stack and the boundary.

- 12.3 A stack may, with the written approval of the owner and of the CE or delegate, be placed closer to the boundary than the distance specified in cause 12.1 where any of the following conditions continue to exist:
- a. Where there is a brick, stone or concrete wall as defined in clause 12.2 without openings situated on the adjoining property and within 1.4 metres of the common boundary; or
  - b. Where there are no buildings on the adjoining land; or
  - c. Where there is no danger of a stack adjacent to a boundary increasing the risk of the spread of fire.

### 13 Offences

Every person who breaches this bylaw commits an offence.

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## 7. Free Parking Central Business District (CBD) – Laneway Project

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**Reporting officer** Paul Dell (Group Manager District Living)

**Date of meeting** 23 September 2015

### ***Vision, mission and values***

*This item is in accord with Council's vision, mission and values statement as it meets the purpose of the Local Government Act through working with the Community in meeting their needs.*

### **Background**

As part of the consultation on the CBD Laneway Project concerns over the impact on parking, particularly during the construction phase, were raised. Staff have been monitoring this closely through liaison with the businesses in the CBD. The project has now reached a stage where the previous available parking is no longer accessible.

Council discussed free parking at the outset of the project and while no resolution was made there seemed to be general agreement to monitor the situation and make parking available should it be necessary.

A number of business owners have requested that Council consider allowing some free parking in the area until the main ground works construction is completed. This is expected to be by the end of November 2015.

This matter was discussed informally following the Planning Committee meeting on 9 September and Councillors agreed that some free parking should be made available. Staff were given approval to implement this immediately, however it was also requested that the matter be formalised through an agenda item. In the interim staff have managed the proposal through monitoring specific parking areas.

The proposed areas for the one hour of free parking is the top level of the Central City Car Park and the on-road parking in Vine Street. Under the proposal those parking in these two areas will be able to stay one hour for free if they have no ticket or one hour past the expiry time if they had purchased a parking ticket.

### **Implementation**

The Communications Team prepared an article for the Leader and issued a press release. The businesses were informed through the Projects Liaison Officer and appropriate signage was installed. The Parking Wardens were also fully briefed. Staff will continue to monitor implementation of this action.

### **Financial Implications**

Due to the current minimal utilisation of the top level of the Central City Car Park the cost to Council for this location will be minimal although it offers approximately 80 car parks.

In Vine Street (30 spaces) the estimated loss of revenue to the roading account over the ten week period is \$16,500. However due to the NZTA subsidy of 53% the total estimated loss is \$25,000.

### **Significance and Engagement**

Having considered the Significance and Engagement Policy this proposal or decision is not considered significant and the public will be informed through this agenda item and targeted communication.

### **Recommendation**

1. That the information is received.
2. That Council approve the allowance of one hour free parking on the top level of the Central City Car Park and on-road parking in Vine Street until the Laneway ground works are completed.

## Contract 12006 WDC Resurfacing 2015/16:

### 8. Recommendation for rollover and increase in contract value

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**Reporting officer** Kevin Barry (Roading Projects Engineer)

**Date of meeting** 23 September 2015

#### ***Vision, mission and values***

*This item is in accord with Council's vision, mission and values statement as it works to support sustainable land use management and transportation, providing a quality environment and protecting those assets that contribute to community health and well being.*

#### **Executive Summary**

This agenda seeks to rollover a contract to a fourth year and increase the approved contract value to facilitate the Year 4 works.

#### **Background**

The contract involves resurfacing with chip seal and asphalt using a performance based specification and covers the entire WDC sealed network. The contract is for a three year period with provision to extend for two further one year periods, dependant on the Contractor's performance.

The tender award value for the first three years of the contract is \$7,790,705.00 (excl GST). This period expired on 30 June 2015, however due to the increase in works the approved total contract value for the initial three year period was increased by Council (December 2014) to \$10,982,450.58.

#### **Significance and Engagement**

Having considered the Significance and Engagement Policy, this agenda item is not deemed to be significant. It seeks to amend an existing contract and will be reported to the public via Council's website.

#### **Performance of Contractor and Rollover to a Fourth Year**

On satisfactory completion of the three year term, this contract may be extended for a further one year, followed by a further one year extension (3+1+1), at the discretion of the Council.

Performance appraisals have been conducted throughout the initial three year contract period by council staff in accordance with the contract specifications. The Contractor, Downer NZ Ltd, achieved a satisfactory performance rating and have advised Council that they wish to have the reseals contract extended for a further one year.

#### **Scope of Works and Additional Works**

Almost 300km of chip sealing have been completed in the first three years of the contract, i.e. to the 30 June 2015. The total expenditure for chip sealing to the end of June 2015 was \$9,230,781.19.

A further \$1,308,224.67 was completed on asphaltting during this period, which includes programmed urban asphalt works as well as additional works such as Rust Ave, Kamo Rd (NZTA section), Lower Hatea Bridge, network maintenance and minor safety works. These additional works are carried out under this contract due to the favourable resurfacing rates.

The total contract spend to the end of June 2015 was \$10,857,946.52 (excl GST). This was \$124,504.06 under the current approved contract value.

## Financial Authority

The resurfacing budget allowed for resurfacing for the fourth year (2015/16) of the programme is \$3.4 million (excl GST) for chip sealing and \$550,000 (excl GST) for asphaltting. A further \$50,000 (excl GST) has been allowed by the Parks Department for chip sealing of a number of their car parks during the 2015/16 period. Therefore the total budget required for the 2015/16 resurfacing programme is \$4.0M (excl GST).

The additional works completed through the resurfacing contract will result in the original financial authority being exceeded. This does not mean Council has exceeded the resurfacing allocation as the additional works in this area have been offset by a reduction in spend on other programmes (i.e. rehabilitation works) with all works being completed within the annual roading budget.

Council issues a financial authority to spend up to the value of the tendered sum when awarding a contract. If that financial authority is exceeded, then staff are required to return to Council for a new or additional financial authority to cover the remaining obligations of the contract.

As noted above the total spend to the end of June 2015 was \$124,504.06 under the current approved contract value. By using this \$124,504.06 in this financial year we only need to increase the contract amount by \$3,875,495.94 (excl GST) ( $\$4.0M - \$124,504.06 = \$3,875,495.94$ ).

Contract award value (June 2012)	\$7,790,705.00
Contract increased value (December 2014)	\$10,982,450.58 A
Less expenditure to end of June 2015 (SP3)	<u>\$10,857,946.52</u>
Amount left in PO for 2015/16 season (SP4)	\$124,504.06
Less amount required for SP4 (i.e. \$3.95M Roothing and \$0.05M Parks)	<u>\$4,000,000.00</u>
Therefore the PO shortfall is	\$3,875,495.94 B
Total new proposed value of contract (A + B)	\$14,857,946.52.

## Recommendation

1. That the extension of Contract 12006 (WDC Resurfacing) for the period of one year from 1 July 2015 to 30 June 2016 be authorised; and
2. That the contract approved sum be increased by \$3,875,495.94 (excl GST) and the total contract value increased to \$14,857,946.52 exclusive of GST.



## 9. Infrastructure and Services Carry-Forwards

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**Reporting officer** Simon Weston (Group Manager, Infrastructure and Services)

**Date of meeting** 23 September 2015

### ***Vision, mission and values***

*This item is in accord with Council's vision, mission and values statement as it provides information related to council's capital works programme and recommends project substitution where suitable.*

### **Executive Summary**

This agenda item provides information related to infrastructure capital projects that have been carried forward from last financial year to this financial year (from 2014/2015 to 2015/2016); An estimate of capital project that are likely to be carried forward from this financial year into next financial year (from 2015/2016 to 2016/2017); and recommends that some of next years capital projects be undertaken in this financial year (brought forward from 2016/2017 to 2015/2016).

### **Background**

The Finance Committee agenda for 26 August 2015 provided a Capital Projects Report for the 2014/2015 financial year. The report identified that from the \$65.3 million programme there was a carry forward of \$16.525 million for the council as a whole. Included within that total, \$15.2 million was associated with the infrastructure and Sense of Place capital works programme. A request was made to provide summary details regarding those carry forwards.

Further to the above, a request was made to identify potential carry forwards for the 2015/2016 financial year, and any projects from the 2016/2017 financial year that could be undertaken now.

### **Significance and Engagement**

Having considered the Significance and Engagement Policy, this agenda item is not deemed to be significant as it provides additional information for projects that have previously been reported on, and an estimate of likely carry forwards from the current financial year. The agenda also provides recommendations for projects to be undertaken this year from next year's capital works programme. These projects are minor in nature.

### **Discussion**

#### **Infrastructure & Services carry-forwards into current year**

Attachment 1 shows project that have been carried forward into the current 2015/16 financial year. Comments have been provided as to the reason why the carry forward was required.

#### **Early estimate of carry-forwards for 2016/17**

Attachment 2 shows project that are likely to have funding carried forward into next financial year. Comments have been provided as to the reason why.

#### **Projects that could be brought forward into this financial year**

Table 1 below identifies projects that could be brought forward if council wishes to progress and complete projects early in lieu of those that will not start this financial year.

Table 1 - Projects that could be brought forward

<b>W&amp;D Projects</b>	<b>Amount</b>	<b>Risk</b>	<b>Recommendation</b>
Public toilet near Te Mata a Pohe (right bank side)	\$170k	Miss out of possible commercial funding share if site is developed	TBA – late in year
Public toilet - Skate Park Onerahi	\$150k	Minimal	Recommended
Professional Services for Hikurangi wastewater network upgrade	\$300k	Minor – would be good to get this started to maximise funding (\$3.5M) in 2016/17	Recommended
<b>Water Projects</b>	<b>Amount</b>	<b>Risk</b>	<b>Recommendation</b>
Water meter renewals	\$350k	Less work for contractors next year	Not recommended
Pipeline bridges	\$20k	None	Recommended
<b>Sense of Place</b>	<b>Amount</b>	<b>Risk</b>	<b>Recommendation</b>
Hatea Jetty (SoP)	\$47k	Minimal	Recommended
<b>Roading</b>	<b>Amount</b>	<b>Risk</b>	<b>Recommendation</b>
House frontage sealing stage 2 Wrights/McCardle	\$200k	Minimal – subject to obtaining additional subsidy to match programme but larger contract should attract better prices	Recommended
In general Roothing projects are not able to be brought forward as funding needs to be matched with NZTA subsidy and there are restrictions in what NZTA can fund.			
<b>Parks and Recreation</b>			
There are no projects at an advanced stage to be done within the next 10 months, based on contracted and internal resource capacity.			

## Conclusion

Best endeavours are made to complete the capital work programme for the year. However, due to circumstances outlined within the attachments some projects are unable to be progressed (examples – due to consenting issues; land negotiations and purchasing; delays in other associated works; industry capability etc). It is council's intention to clear the backlog of projects as far as possible this year albeit some projects that will, as already identified, run into the following year.

It is also accepted that council would like to maintain a consistent level of capital works to provide contractors with a steady workload to maintain an efficient marketplace.

## Recommendation

1. That the information be received.
2. That the projects identified as recommended within Table 1 progress this financial year.

## Attachments

1. [I&S carry-forwards in current year](#)
2. [Early estimate of I&S carry-forwards for 2016/17](#)

**Attachment 1: Capital Projects Carry Forwards 2014/2015 - \$000s**

For period ending June 2015 YEAR END

<b>Project area</b>	<b>LTP Estimate based on April Capex report</b>	<b>Carry Forward as per Year End report</b>	<b>Variance</b>	<b>Comments</b>
Cycleways - Programmed Work	580	580	0	Project total increased due to additional subsidy obtained during the year, carryover of unspent allocation includes subsidy
Land for Roads	500	500	0	Carry-forward funding as land negotiations not completed, unsubsidised.
Mill Rd / Nixon St / Kamo Rd	1,017	1,649	632	Carry-forward of unspent year1 project funding due to late contract award, includes subsidy. The increase is due to uncompleted property purchases under negotiation, and utility costs funded by other Departments budgets.
Southern Entrance Intersection Improvement	642	645	3	Funding is a contribution towards a Developer project (not a council project); not commenced as awaiting NZTA approvals, unsubsidised.
<b>Transportation Total</b>	<b>2,739</b>	<b>3,373</b>	<b>634</b>	
Whau Valley Water Treatment Plant - Upgrades	1,100	1,155	55	Delay due to land purchase process and subsequent land designation requirement .
<b>Water Total</b>	<b>1,100</b>	<b>1,155</b>	<b>55</b>	
Rural Transfer Stations - Upgrades	479	479	0	Council resolution not to proceed with the development of a new site at Whangarei Heads.
<b>Solid Waste Total</b>	<b>479</b>	<b>479</b>	<b>0</b>	
District Wide Public Toilets	9	12	3	Invoiced in July/August - cash flow timing
Telemetry System Upgrade	78	131	53	Difficulty getting technical resources to complete in time frames. No additional costs to WDC.
Wastewater Pump Stations - Upgrades	0	27	27	Delivery of new Onerahi pump delayed - turned up in July rather than June.
Wastewater Strategy - Programmed Work	180	255	75	Expenditure has third party involvement (NRC + others) works timing difficult to programme accurately
Wastewater Treatment Plants	0	116	116	Asbestos found, delays
Whangarei City Wastewater - Projects	1,452	1,900	448	Lupton Ave Midden, delays occurred
Whangarei City Wastewater Assessments	0	35	35	Invoiced in July/August - cash flow timing - now complete
<b>WasteWater Total</b>	<b>1,719</b>	<b>2,476</b>	<b>757</b>	
Catchment Management Plans & Assessments	280	304	24	Prof services. Delayed to assess NRC process to review Regional Stormwater Policy
Porowini/Morningside Stormwater Improvements	10	5	(5)	Costs for plant re-establishment in drain - NRC consent compliance
Stormwater Projects - Programmed Work	2,198	2,390	192	Delays due to traffic management issues
Stormwater Quality - Programmed Work	32	32	(0)	For quality improvement works in 15/16. Underspend due to role vacancy - now filled.
<b>StormWater Total</b>	<b>2,520</b>	<b>2,731</b>	<b>211</b>	

**Attachment 1: Capital Projects Carry Forwards 2014/2015 - \$000s**

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For period ending June 2015 YEAR END

<b>Project area</b>	<b>LTP Estimate based on April Capex report</b>	<b>Carry Forward as per Year End report</b>	<b>Variance</b>	<b>Comments</b>
Hikurangi Swamp Scheme - Programmed Works	30	30	0	Underspend on contract, carried forward to fund capital works.
<b>Flood Protection &amp; Control Works Total</b>	<b>30</b>	<b>30</b>	<b>0</b>	
Carparks - Kensington Park Reseal	74	53	(21)	Awaits completion of NZTA highway work at Kensington.
CBD Development Stage 1	752	1,144	392	Timing issues with SoP contract award.
Cemeteries - Ash Berm, Onerahi	4	8	4	In house project created savings and demand for new berm slower.
Cemeteries - Furniture Renewals, Maunu	4	10	6	In house project created savings and demand for new berm slower.
Cemeteries - Historic Monument Upgrades		6	6	Ownership of Cape Horn Cemetery in private hands, delay is in finding estate of owner.
Cemeteries - Road Surface Repairs, Maunu		3	3	Job complete carry forward contingency for any deficiencies.
Coastal Protection Structures - Ngunguru, Onerahi, One Tree	155	241	86	Consents for works not yet gained.
Coastal Structures - Jetty Upgrade, Onerahi Beach	215	190	(25)	Consent for works not issued.
Seawalls - Parks	300	401	101	Consents not issued. For One Tree Point.
Kensington Park - Additional Netball Courts		89	89	This is a grant, netball organisation partially complete.
Neighbourhood Reserves Asset Renewals	0	10	10	Excessive quote for final project meant remainder of budget insufficient.
Otangarei Centre Development - Programmed Work		22	22	Ongoing expenditure is made in contact with local community, await decisions from them on projects.
Parihaka Lookout and Rest Areas - Design	204	189	(15)	Iwi and consenting issues delayed start, starts Sept.
Parks Interpretation Information - Programmed Work	34	65	31	SoP project - waiting on information.
Sportsfield Development - Springs Flat 4 Sand Fields & Fac		13	13	Carried forward retainer.
Urban Design - Themed Communities & Settlements	59	80	21	Ongoing expenditure is made in contact with local community, await decisions from them on projects.
Urban Park - Sportsfield Consolidation	697	1,069	372	Delays in contract tender. Tender now awarded.
War Memorial Project	0	18	18	Carried forward sum for expected final invoice.
WF Memorial Park - Park Development	498	390	(108)	Road project put on hold until weather improves.
WF Memorial Park - Public Toilets	0	44	44	Toilet is completed - final payment.
WF Memorial Park - Sportsfield & Carpark Development Stage 1	32	56	24	Delay in contract tender, tender now closed.
WF Memorial Park - Sportsfield & Carpark Development Stage 2	143	299	156	Roadworks stopped due to weather and ground moisture, restart when dry.
WF Memorial Park - Sportsfield Development Stage 3	300	338	38	Delay in contract tender, tender now closed.
Whangarei Falls Amenity Landscapes	30	60	30	Works complete.
Whangarei Falls Planning and Design Parks	237	193	(44)	Works now complete.
<b>Parks &amp; Recreation Total</b>	<b>3,738</b>	<b>4,990</b>	<b>1,252</b>	
<b>I&amp;S Total</b>	<b>12,325</b>	<b>15,234</b>	<b>2,909</b>	

## Attachment 2: Early Estimate of 16/17 Carry-Forwards (dated 25 August 2015)

<i>Description</i>	<i>Est c/fwd 16/17</i>	<i>LTP 15/16</i>	<i>Comments</i>
Mill Rd / Nixon St / Kamo Rd	3,000	5,577	Stage 2 start date is dependant on land purchase negotiations
<b>Transportation Total</b>	<b>3,000</b>	<b>5,577</b>	
Whau Valley Water Treatment Plant - Upgrades	3,500	4,100	Designation will take most of 15/16. Physical works now starting early 2017.
<b>Water Total</b>	<b>3,500</b>	<b>4,100</b>	
Jordan Valley Wastewater Pump Station Upgrade	400	500	Incorporate in Hikurangi upgrade in upcoming years.
<b>WasteWater Total</b>	<b>400</b>	<b>500</b>	
Catchment Management Plans & Assessments	300	480	Programme to align with NRC stormwater policy review
Stormwater Projects - Programmed Work	2,200	2,698	Physical works may not start this year
<b>StormWater Total</b>	<b>2,500</b>	<b>3,178</b>	
Neighbourhood & Public Gardens Renewals	50	605	Various components subject to weather for planting and completed over June through August each year.
Ruakaka Beach New Accessway	45	45	No brief on expected timing. Further work with community required.
Seawalls Renewal	488	855	Consents yet to be achieved; delays in consenting expected. Oakura Bay Rd, One Tree Point walls consent, Solomons Point, Hamon Rd, Matapouri Bay, Beach Road, Whananaki, Tamaterau all require additional consenting. Consents yet to be achieved; delays in consenting expected. Pataua iwi/community agreement is yet to be confirmed. Waipu pontoon.
Sport & Recreation Growth	475	475	Pohe Island; not expected to be paid this year.
<b>Parks &amp; Recreation Total</b>	<b>1,058</b>	<b>1,980</b>	
<b>I&amp;S total</b>	<b>10,458</b>		

<b>RESOLUTION TO EXCLUDE THE PUBLIC</b>			
<b>Move/Second</b>			
That the public be excluded from the following parts of proceedings of this meeting.			
The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:			
<b>General subject of each matter to be considered</b>		<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for passing this resolution</b>
C.1	Confidential Minutes of the Whangarei District Council Meeting held 26 August 2015	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C.2	Appointment		
C.3	Property Matters		
C.4	Nomination		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:		
<b>Item</b>	<b>Grounds</b>	<b>Section</b>
C.1	For the reasons as stated in the open minutes	
C.2	To protect the privacy of natural persons	Section 7(2)(a)
C.3	To protect the privacy of natural persons	Section 7(2)(a)
C.4	To protect the privacy of natural persons	Section 7(2)(a)

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

<p>If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:</p> <p><b>Move/Second</b></p> <p>“That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of <u>Item</u> _____.</p> <p>This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because_____</p>
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*Note:*

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