

I hereby give notice that an Extraordinary meeting of the
Taharoa Domain Governance Committee

will be held on:

Date: Thursday 16 August 2018
Time: 2.00pm
**Venue: Conference Room, Northern Wairoa War Memorial Hall,
37 Hokianga Road, Dargaville**

Open Agenda

Membership

Chair: Councillor Andrew Wade
Members: Messrs Alan Nesbit and Ric Parore
Councillor Karen Joyce-Paki

Staff and Associates:

Parks and Recreation Manager, Financial Services Manager, Policy Planner, Governance Advisor
(Minute-taker)

Jason Marris
General Manager Governance, Strategy and Democracy

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Extraordinary meeting of Taharoa Domain Governance Committee

Thursday 16 August 2018

1 Opening

Pursuant to Clause 22(2), Schedule 7 of the Local Government Act 2002, the Mayor has called an Extraordinary meeting of the Taharoa Domain Governance Committee.

1.1 Karakia

1.2 Present

1.3 Apologies

1.4 Confirmation of Agenda

The Committee to confirm the Agenda.

1.5 Conflict of Interest Declaration

Committee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Committee Member/Councillor and any private or other external interest they might have. It is also considered best practice for those members of the Executive Team attending the meeting to also signal any conflicts that they may have with an item before the Committee.

2 Deputations and Presentations

3 Confirmation of Minutes

3.1 Taharoa Domain Governance Committee minutes 10 May 2018

General Manager Governance, Strategy and Democracy 1606.17

Recommended

That the minutes of the Taharoa Domain Governance Committee meeting on 10 May 2018 be confirmed as a true and correct record.

Taharoa Domain Governance Committee

meeting held:

Date	Thursday 08 February 2018
Time	Meeting commenced at 2.05pm Meeting concluded at 3.52pm
Venue	Conference Room, Northern Wairoa War Memorial Hall, Dargaville
Status	Unconfirmed

Minutes

Membership

Chair: Councillor Andrew Wade
Members: Messrs Alan Nesbit and Ric Parore
Councillor Karen Joyce-Paki

Staff and Associates:

Chief Operating Officer and General Manager Infrastructure, General Manager Governance, Strategy and Democracy, Domain Manager, Policy Manager, Policy Analyst, Governance Advisor
(Minute-taker).

Jason Marris
General Manager Governance, Strategy and Democracy

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Minutes Taharoa Domain Governance Committee meeting
Thursday 10 May 2018, Dargaville
1 Opening
1.1 Karakia

Sonny Nesbit opened the meeting with a karakia.

1.2 Present

Councillors Andrew Wade (Chair) and Karen Joyce-Paki, Messrs Alan Nesbit and Ric Parore

In attendance

Name	Designation	Item(s)
Curt Martin	Chief Operating Officer and General Manager Infrastructure	All
Jason Marris	General Manager Governance, Strategy and Democracy	All
Hamish Watson	Parks Officer	All
Andrew Howells	Domain Manager	All
Layne Wadsworth	Parks Contractor	All
Kathie Fletcher	Policy Manager	All
Mark Schreurs	Policy Analyst	All
Tanya Cook	NorthTec	All
Rudi Hoetjes	Northland Fish and Game Council	All
Kane McElrea	Northland Regional Council	All
Darlene Lang	Community Relationships Manager	5.1—5.3
Lisa Hong	Governance Advisor	All (minute-taker)

Adjournments

Nil.

1.3 Apologies

Nil.

1.4 Confirmation of Agenda

The Committee confirmed the Agenda.

1.5 Conflict of Interest Declaration

Name	Conflict
Councillor Karen Joyce-Paki	Item 5.3 Kai Iwi Lakes Dune Lakes Galaxias Working Group update – Councillor Joyce-Paki declared a conflict of interest as a Department of Conservation employee.

2 Presentations

Nil.

3 Confirmation of Minutes

3.1 Taharoa Domain Governance Committee minutes 08 February 2018

Administration Manager 1606.17

Moved Parore/Joyce-Paki

That the minutes of the Taharoa Domain Governance Committee meeting on 08 February 2018 be confirmed as a true and correct record.

Carried

4 Governance

4.1 Terms of Reference update and Chair

Governance Advisor 4702.24.02

[Secretarial Note: The Committee requested that commentary be placed in the report to Council explaining why the Terms of Interest were amended, if known.]

Recommended Wade/Joyce-Paki

That the Taharoa Domain Governance Committee:

- 1 *Receives the Governance Advisor's report 'Terms of Reference update and Chair' dated 03 May 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends to the Mayor or Council to amend the Taharoa Domain Governance Committee Terms of Reference to include 'The Chair of the Committee will rotate amongst members on an annual basis with a new Chair being selected at the first meeting following 01 July each year'.*

Carried

5 Operational

5.1 Taharoa Domain Operations Update: February 2018-April 2018

General Manager Infrastructure 4702.24.02.02

Moved Nesbit/Parore

That the Taharoa Domain Governance Committee receives the General Manager Infrastructure's report 'Taharoa Domain Operations Update: February 2018-April 2018' dated 27 April 2018 and the information contained therein.

Carried

5.2 Financial report for nine months period ending 31 March 2018

Financial Services Manager 4702.24.02.01

Moved Wade/Parore

That the Taharoa Domain Governance Committee receives the Financial Services Manager's report 'Financial report for nine months period ending 31 March 2018 and the information contained therein.

Carried

5.3 Kai Iwi Lakes Dune Lakes Galaxias Working Group update

Policy Analyst 4702.24.05

Councillor Karen Joyce-Paki declared a conflict of interest and did not vote on this item. Tanya Cook from NorthTec spoke to the item at the request of the Committee, and her presentation on the Dune Lake Galaxias Otolith Research was tabled.

Moved Wade/Parore

That the Taharoa Domain Governance Committee:

- 1 Receives the Policy Analyst's report 'Kai Iwi Lakes Dune Lakes Galaxias Working Group update' dated 27 April 2018; and*
- 2 Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 Receives the information in the above-mentioned report and the presentations made in support of this report giving an update on the work of the Kai Iwi Lakes Dune Lakes Galaxias Working Group and its members; and*

- 4 *Authorises under section 50 of the Reserves Act 1977 for the Northland Fish and Game Council, NorthTec and the Department of Conservation to take a sample of dune lakes galaxias from the Kai Iwi Lakes as part of their research. This decision not to be contrary to the wishes of Mana Whenua. In either case, any authorisation given shall apply only where actions are not in contravention of the Wildlife Act 1953; and*
- 5 *Asks Council staff to prepare in co-operation with Mana Whenua a draft Research Protocol that gives effect to kaitiakitanga rights.*

Carried

5.4 Northland Fish and Game Council request to liberate trout in Lakes Taharoa and Waikare in 2019

Policy Analyst 4702.24.03

Tanya Cook from NorthTec and Rudi Hoetjes from Northland Fish and Game Council spoke to the item at the request of the Committee.

[Secretarial Note: Committee members raised the possibility of trout being released into Lake Kai Iwi if this would prove useful in better understanding the interactions between species. A report to a future meeting was requested.]

Moved Wade/Parore

That the Taharoa Doman Governance Committee:

- 1 *Receives the Policy Analyst's report 'Northland Fish and Game Council request to liberate trout in Lakes Taharoa and Waikare in 2019' dated 27 April 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Gives permission for the release of trout in 2019. This is based on concerns expressed in the Gee and Franklin (2017) report to the effect that it would be advisable to address the ambiguity over the effects of trout on the Dune Lake Galaxias (DLG) population before ceasing trout stocking, and that further research proposed by the Dune Lake Galaxias Monitoring Strategy is desirable to better understand that relationship; and*
- 4 *Reserves the right to control if and how trout are released in 2019, based on any new knowledge that may be gained, including that from implementation of the Dune Lake Galaxias Monitoring Strategy.*

Carried

6 Closure

The meeting closed at 3.52pm

Confirmed

Chair

Kaipara District Council

Dargaville

Unconfirmed

4 Governance

File number: 4702.24.02 **Approved for agenda** ☒
Report to: Taharoa Domain Governance Committee
Meeting date: **Thursday 16 August 2018**
Subject: **Rotation of Chair 2018**
Date of report: 27 July 2018
From: Lisa Hong, Governance Advisor
Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

The Committee selects a new Chair at the first meeting following 01 July each year.

Recommendation

That the Taharoa Domain Governance Committee:

- 1 *Receives the Governance Advisor's report 'Rotation of Chair 2018' dated 27 July 2018 and its attachment; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Notes the new Taharoa Domain Governance Committee Terms of Reference as adopted by Council on 26 June 2018 (circulated as Attachment 1 to the afore-mentioned report); and*
- 4 *Adopts voting system A OR voting system B and agrees that in the event of a tie the candidate elected shall be resolved by lot; and*
- 5 *Elects _____ as Chair of the Taharoa Domain Governance Committee, until another Chair is elected at the first meeting of the Taharoa Domain Governance Committee after 01 July 2019.*

Reason for the recommendation

To select a new Chair in accordance with the Committee's Terms of Reference.

Reason for the report

The purpose of this report is to facilitate the annual rotation of Chair in 2018.

Background

The Taharoa Domain Governance Committee Terms of Reference states that 'The Chair of the Committee will rotate amongst members on an annual basis with a new Chair being selected at the first meeting following 01 July each year'. This clause was added to the Committee's Terms of Reference (TOR) by Kaipara District Council in June 2018 at the request of this Committee, and this meeting is the first of the Committee following 01 July 2018. The new TOR is attached to this report as **Attachment 1**.

Pursuant to Kaipara District Council Standing Orders 5.6, there are two voting systems that the Committee could adopt for the election of a new Chair.

Voting system A:

- a) There is a first round of voting for all candidates.
- b) If no candidate is elected in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded.
- c) If no candidate is successful in the second round there is a third, and so on. Each time the candidate with the fewest votes in the previous round is excluded.
- d) If, in any round, two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

Voting system B:

- a) A person is elected if they receive more votes than any other candidate.
- b) There is only one round of voting.
- c) If two or more candidates tie for the most votes, the tie is resolved by lot.

If a resolution by lot is required, the names of two candidates with the same number of votes will be placed in a container and an independent person will draw the lot and declare the result.

Factors to consider

Community views

The community expects the Committee to comply with its TOR.

Policy implications

The recommendation in this report is not considered significant as defined in Council's Significance and Engagement Policy.

Financial implications

Pursuant to the Local Government Act 2002 and the Remuneration Authority Act 1977, Councillor remuneration is determined by the Remuneration Authority. If a person who is not a Councillor is selected as Chair, mileage may be claimed.

Legal/delegation implications

The Committee has the delegated authority to rotate the Chair amongst its members.

Options

Option A: The Committee decides to rotate the Chair.

Option B: The Committee remains with the status quo.

Assessment of options

Option A: This complies with the Committee's TOR.

Option B: This does not comply with the Committee's TOR.

Recommended option

The recommended option is Option A.

Next steps

Proceed to call for nominations and elect a new Chair.

Attachments

- Taharoa Domain Governance Committee Terms of Reference (as adopted by Kaipara District Council on 26 June 2018)

Taharoa Domain Governance Committee Terms of Reference

Reports to:	Full Council
Chair:	Councillor Andrew Wade (to be rotated at the first meeting following 01 July each year)
Membership:	Councillor Karen Joyce-Paki Ric Parore and Alan Nesbitt
Meeting frequency:	Four times a year
Quorum:	Three

Purpose

To govern Taharoa Domain in accordance with the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) and any legislative framework.

Responsibilities

- Implementing the RMP;
- Initiating a review of the Master Plan for the Domain when appropriate but at least every 10 years;
- Meeting all statutory requirements associated with the management and administration of the Domain;
- Submitting to the Annual Plan and Long Term Planning process;
- Monitoring the natural environment at Taharoa Domain and the Kai Iwi Lakes and reporting any issues or concerns to Council;
- Overseeing the management of the Kai Iwi Lakes camp grounds;
- Agreeing terms and conditions with external organisations for the use of the Domain.

Delegations

- Manage the financial affairs of the Taharoa Domain;
- Apply for funding from external sources for the enhancement of the Domain;
- Administer any Kaipara District Council bylaw or regulation associated with the Domain;
- Make recommendations to the Kaipara District Council for the development of policies, bylaws or other regulatory tools for the effective management of the Domain.

Membership

Two Kaipara District Councillors, one representative appointed by Te Roroa and one representative appointed by Te Kuihi.

Chair

The Chair of the Committee will rotate amongst members on an annual basis with a new Chair being selected at the first meeting following 01 July each year,

Communications

- The Committee Chair is the authorised spokesman for the Committee in all matters where the Committee has a particular interest;
- Committee members, including the Chair, do not have delegated authority to speak to the media on behalf of Council on matters outside the Committee's interest;
- Council's Governance, Strategy and Democracy Team will manage and support formal communications between the Committee and Council, and for the Committee in the exercise of its business.

Conduct

The Committee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members Interest) Act 1968 and Kaipara District Council's Standing Orders and Code of Conduct.

Remuneration

- Elected members will be reimbursed in accordance with the determination set by the Remuneration Authority under s255(5) and clause 18 of Schedule 15 of the Local Government Act 2002 and Council's Current Elected Members Expenses Policy;
- External members will be reimbursed their travel to and from duly called meetings of the Committee in line with Council's Current Elected Members Expenses Policy.

Funding and budgets

Funding for the Committee will align with Council's Annual and Long Term Plans.

5 Decision

File number: 3216.0 **Approved for agenda** ☒
Report to: Taharoa Domain Governance Committee
Meeting date: 16 August 2018
Subject: **Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal**
- recommend to Council to adopt for public consultation
Date of report: 27 July 2018
From: Paula Hansen, Policy Planner
Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☒ **Significant** ☐ **Non-significant**

Summary

This report is to provide information to the Taharoa Domain Governance Committee (the Committee) that supports the introduction of a bylaw banning boats on Lakes Waikare and Kai Iwi at the Taharoa Domain (the Domain); to control vehicle movements and support biosecurity checks at the Domain. This report also seeks a resolution from the Committee to recommend a draft bylaw be adopted by Council.

Council has adopted the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) 2016 after undertaking the process prescribed within the Reserves Act 1977 including a full public consultation process and as such now has an obligation to give effect to that RMP. A bylaw is one way to give effect to parts of the RMP.

Managing recreational activities across the Domain requires clear rules as different recreational pursuits can clash if not managed properly. The adopted RMP gives direction on what activities should be encouraged in which areas and which should be restricted.

The proposal seeks to provide an overarching bylaw to give effect to the RMP. This includes restricting motorised boats on Lakes Waikare and Kai Iwi to those power-driven vessels (power boats) that have been specifically authorised as safety vessels for events, vessels for scientific and research purposes, or vessels for management operations while also allowing non-motorised boat activities to occur. It is expected that this part will be a contentious topic throughout the consultation process and a communication plan will be required.

The proposed bylaw also seeks to control vehicle movements and to support biosecurity checks. The RMP contains policy objectives and proposed actions that support the need for the bylaw. The draft Taharoa Domain Bylaw and Statement of Proposal (SOP) are **Attachment 1** and **Attachment 2** (respectively) to this report. This bylaw is to support the management direction as set down in the RMP. Power-driven vessel use on Lake Taharoa is not within scope of this proposed bylaw as this Lake is regulated by its own Navigational Bylaw, put in place by the Northland Regional Council (NRC).

While the Committee does not have the authority to put in place a bylaw, they can recommend to Council the need for one. If Council agrees, then Council can adopt a draft bylaw and associated SOP, to undergo a public consultation process.

The Local Government Act 2002 sets out the consultation process which is to be undertaken and decision-making process (sections 79 - 83). It is considered that the proposed bylaw will be of significant interest to the public (s76AA). This means that the Special Consultative Procedure (as modified by s86) should be used.

A consultation process will be undertaken if Council approves the need for a bylaw.

Recommendation

That the Taharoa Domain Governance Committee:

- 1 *Receives the Policy Planner's report 'Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal – recommend to Council to adopt for public consultation' dated 27 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Determines that the proposed bylaw is required and is the most appropriate way of addressing the perceived problem and is the most appropriate form of bylaw; and*
- 4 *Recognises that Council's legal obligations under the Reserves Act to protect Ecological Values and to provide Recreational Safety for the users of Lake Waikare and Kai Iwi are met; and*
- 5 *Recommends to Kaipara District Council to adopt the Taharoa Domain Bylaw 2018 (draft) and associated Statement of Proposal for public consultation, both documents circulated as Attachment 1 and Attachment 2 of the afore-mentioned report.*

Reason for the recommendation

To implement a management direction provided by the RMP for the Domain. The Committee seeks Council's authority to create a bylaw for the Lakes, as best management practice, providing enforcement if required.

Reason for the report

This report seeks the Committee to receive and recommend that the draft Taharoa Domain Bylaw 2018 (Draft Bylaw) and associated Statement of Proposal (SOP), be presented to Council, to adopt and be publically consulted on.

Background

Kaipara has a number of lakes running along the length of its western coastline, these form part of a wider northland lake collective that runs from Aupouri to Pouto Peninsula. Known as dune lakes these lake systems are important ecological and biodiversity habitats. Taharoa Domain (Kai Iwi Lakes) is part of this lake system and recognised as regionally important.

The Domain is legally held as Crown land and its administration is vested in Kaipara District Council. The Domain covers an area of some 538 hectares and contains three dune water bodies: Lake Taharoa, Lake Waikare and Lake Kai Iwi.

Ecological values

Lakes Taharoa, Waikare and Kai Iwi are all ranked as outstanding by NIWA in *their Northern Lakes Ecological Status Report 2012*. Lake Taharoa, the largest of the three lakes, is the deepest (37 metres). It receives the most activity due to its size. Lake Waikare, historically has been the base for formalised water skiing activities and Lake Kai Iwi, the smallest of the three lakes, receives little recreational activity. Individually they each have their separate characteristics, however collectively they form what is a unique and outstanding natural environment.

Economic Values

Taharoa Domain is an exceptional place, boasting a fascinating cultural history, outstanding landscape values, a fast-recovering ecology and water quality that is amongst the highest of any dune lakes in New Zealand. Collectively these characteristics give the Domain a distinctive identity that is unmatched elsewhere in the country.

The Domain is a much-loved destination for day visitors and campers, with many families having a relationship with the place that goes back to the early times of its formation as a reserve. It is not uncommon for camping groups to consist of three generations staying together.

An aim of the RMP is that the lakes will be promoted and developed as an educational, scientific and tourist destination.

Cultural values – iwi relationship

Owing to a close, long-standing relationship with the lakes and surrounding land, Mana Whenua regard them as a taonga and important food source. Te Roroa, and Te Kuihi and their associated whanau, and hapu have lived around the lakes, fishing and carrying out other customary practices there, such as burying their dead. Two urupa are identified around the Lakes and a pa site overlooks Lake Kai Iwi from just outside the legal boundaries of the reserve. Tangata whenua's long-standing relationship with Kai Iwi Lakes and the wider surrounding area has been varied and ongoing. This status was recognised in a Treaty of Waitangi claim that included land embodied in Kai Iwi Lakes. In numerous places in its report The Waitangi Tribunal recognised that the Kai Iwi Lakes were, and still are, an essential mahinga kai for Te Roroa¹.

The Committee seeks, through the RMP, to manage Kai Iwi Lakes for the future in a way that respects the past, as well as reflects the wishes of present generations. Part of respecting the past is to honour the vision for the Lakes that has been inherited from Te Roroa, Te Kuihi and Parore Te Awha – that the Lakes are open to all to enjoy, that no one has exclusive use, and that no use should compromise the pristine nature of the place and its enjoyment by others. Acknowledging the mana whenua status of Te Roroa and Te Kuihi also reflects this.

An aim within the RMP is that the relationships of tangata whenua and other peoples, their history, culture and traditions will be reflected and acknowledged in how Kai Iwi Lakes is developed and cared for.

¹ *The Te Roroa Report 1992*. Waitangi Tribunal. Ministry of Justice

Northland Regional Council Navigational Bylaw

The NRC in October 2017 introduced a new Navigation Bylaw that controlled power-driven vessels on Lake Taharoa. This bylaw only governs all boating activities and where different activities may occur on Lake Taharoa. The bylaw does not include Lakes Waikare and Kai Iwi.

Issues

As a result of the adopted RMP, it has been identified that a new bylaw is required to:

- provide some protection of the state of the Lakes themselves;
- provide some protection of the state of the Lake surroundings;
- provide for public safety;
- restrict the use of power-driven vessels on Lake Waikare unless specifically authorised as safety vessels for events, vessels for scientific and research purposes, or vessels for management operations; and
- provide for one point of entry onto Lake Taharoa and Lake Waikare.

Proposal

The proposal seeks to provide an overarching bylaw to give effect to the RMP. This includes restricting motorised boats on Lakes Waikare and Kai Iwi to those power-driven vessels that have been specifically authorised as safety vessels for events, vessels for scientific and research purposes, or vessels for management operations while allowing non-motorised boat activities to occur.

The proposal also seeks to control vehicle movements and to support biosecurity checks. Therefore the proposed bylaw deals with land-based activities, and activities that complement the water-based activities that adjoin the water such as boat ramps, access and parking. This includes the locations where day parking is acceptable, where boat ramps are located, short term parking (drop-off zones) and giving Authorised Officers the ability to manage these areas.

In particular, the Draft Bylaw sets the locations as to where cars may be driven and where cars can be parked and the conditions on these activities. It is proposed that Council creates a Bylaw under s106 of the Reserves Act and s146(b)(vi) of the Local Government Act 2002, which allows Council to put provisions in place to regulate these activities through a bylaw.

The Draft Bylaw will also give effect to the management of power-driven vessels on Lake Waikare and Lake Kai Iwi by restricting power-driven vessels to those that are intended to be used for safety, scientific or management purposes.

Reason for proposal

The reason for the proposed bylaw is to provide an overarching enforceable management tool to give effect to the RMP. This includes:

- 1) Restricting power-driven vessels on Lakes Waikare and Kai Iwi to those powered boats (power-driven vessels) that have been specifically authorised as:
 - (a) safety vessels for events;
 - (b) vessels for scientific and research purposes; or
 - (c) vessels for management operations;

while allowing non-motorised boat activities to occur. It is expected that this part of the Draft Bylaw will be a contentious topic throughout the consultation process. A well-executed communication plan will be required.

- 2) Controlling vehicle movements to ensure that vehicles are not driven or parked inappropriately so as to compromise the environmental, archaeological and cultural values of the Domain, and
- 3) Supporting biosecurity checks.

The RMP contains policy objectives and proposed actions that support the need for the bylaw. This provides for the implementation of the direction set down in the RMP. The reasons for this are that motorised boats have been identified as one of the main potential threats to the health of the lakes and for public safety.

The RMP and the bylaw are linked, with the Draft Bylaw providing a management tool that provides clear control mechanisms that are able to be enforced.

The RMP sets objectives and actions under Aim 2: Cultural, Aim 3: Environment and Aim 4: Recreation, with the relevant actions, stating that:

- *'All archaeological and wāhi tapu sites have protection in place.'*
- *'Powerboats will not be allowed on Lake Waikare, unless specifically authorised as safety vessels for events, for scientific and research purposes or for management operations.'*²
- *'Institute biosecurity controls for all boats and recreational equipment.'*
- *'Have only one boat ramp at Lake Taharoa and one at Lake Waikare to minimise impact on the lakes and vehicles crossing the foreshore.'*
- *'Completion of a landscape and infrastructure plan to effectively manage visitor needs, with monitoring of its implementation. For example:*
 - *day visitor facilities at key destination points including toilets and picnic facilities;*
 - *entranceway improvements; and*
 - *camp ground improvements including more powered sites at Pine Beach.'*
- *'Watercraft launching facilities are limited to a single defined point at Lake Taharoa and Lake Waikare.'*
- *'Biosecurity checking bay/s are developed and supported by related information at each launching point.'*
- *'Licensing system established to ensure all users and their vessels meet the required biosecurity standards.'*
- *'Work with Northland Regional Council to develop and implement a bylaw that controls boats, biosecurity and speed etcetera on the lakes.'*

The Reserves Act 1977 allows for bylaws regulating the control and exclusion of vehicles or boats on reserves. Furthermore, given that the proposal is to prohibit only motorised boats and not other boats, it is considered that the proposal does not compromise or severely limit the use of these lakes as a Recreational Reserve.

² Refer pages 16 and 20 of the Draft RMP.

It has been determined that the Draft Bylaw is the most appropriate way to address the issues and that the proposed bylaw is the most appropriate form of bylaw. While the Draft Bylaw proposes a limitation on the use of powered boats (power-driven vessels) on the Lakes, it is seen as a justified reasonable limitation on the use of the Lakes. It has therefore been determined that the proposed bylaw does not give rise to any implications under the *New Zealand Bill of Rights Act 1990* and it is considered that the Draft Bylaw is not inconsistent with this Act.

Legislative requirements

Reserves Act 1977

Section 106 of the Reserves Act 1977 allows bylaws to be made for, inter alia:

- The management, safety, preservation and use of the reserve or any part thereof and the preservation of the flora and fauna and the scenic, historic, archaeological, biological, geological, or other scientific or natural features therein, and for the preservation of the natural environment;
- Prescribing the conditions on which persons shall have access to or be excluded from any reserve or any part of a reserve, or on which persons may use any facility (including any building) in a reserve, and fixing charges for the admission of persons to any part of a reserve and for the use of any such facility;
- Regulating the times of admission thereto and exclusion therefrom of persons, horses, dogs, or other animals, and vehicles or boats or aircraft or hovercraft of any description;
- The control of all persons, horses, dogs, and other animals, and vehicles or boats or aircraft or hovercraft of any description using or frequenting a reserve;
- prescribing conditions on which persons may be permitted to enter and remain on any wilderness area within a reserve;
- Generally regulating the use of a reserve, and providing for the preservation of order therein, the prevention of any nuisance therein, and for the safety of people using the reserve.

The Domain is classified as a Recreational Reserve, therefore s17 of the Reserves Act must be considered to ensure that any bylaw is not inconsistent with the classification. This means the proposed bylaw must ensure:

- that recreational activities can still be carried out on the reserve while preserving the qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment; and
- the better use and enjoyment of the reserve are conserved and to the extent compatible with the principal or primary purpose of the reserve, while its value as a soil, water and forest conservation area is maintained.

Section 107(a) of the Reserves Act 1977 states that the procedure for making bylaws is in the same manner as that in which the local authority is authorised by law to make bylaws (as outlined below).

Section 108 requires all bylaws made under the Reserves Act to be approved by the Minister of Conservation. No bylaw made under this Act by an administering body (Council in this instance) shall have any force or effect unless and until it is approved by the Minister. As the Minister has not delegated the approval of bylaws to Council, the approval of the Minister will be required, and once obtained will

be conclusive evidence that the bylaw has been duly made under this Act. The Department of Conservation will be consulted with on the Draft Bylaw during the submission period.

Consultation process

The Local Government Act 2002 sets out the consultation process which is to be undertaken and decision-making process (sections 79 - 83). It is considered that the proposed Draft Bylaw will be of significant interest to the public (s76AA). This means that the Special Consultative Procedure (as modified by s86) will need to be used.

Factors to consider

Community views

The proposed Draft Bylaw is subject to the Special Consultative Procedure which involves obtaining the views of the community. Mana Whenua and relevant Iwi representative bodies' views will also need to be specifically obtained through this process.

The proposal will likely be of high public interest and is expected to receive submissions covering a variety of different views. A specific communications plan will need to be put in place to help guide people in terms of the scope of the Draft Bylaw and hence what the community can submit on. Council will also need to be prepared for potentially negative comments on subject matter that is related to the RMP or other issues associated with the Domain, but are not related to the proposed bylaw. In these cases submissions will be considered to be out of scope. The consultation could include a day out at the Lakes to answer any questions people may have. This potentially could be run as a 'Have your say' event that may replace a formal Council hearing process.

Timing of consultation also needs to be considered. Traditionally people are not happy to consult on Council matters over the summer period and putting a new bylaw in place right before the Christmas/New Year period may also gather negative responses.

Policy implications

There are no other Policy implications, the Draft Bylaw seeks to give effect to the RMP for Taharoa Domain, but not alter the RMP. The proposed bylaw is of such significance to warrant a full public process.

Financial implications

The main financial implications include staff time to implement, monitor and enforce the bylaw should it be adopted as a final. Efforts should be made to explore the empowerment of kaitiaki from Mana Whenua and Iwi representative bodies to potentially play a monitoring and education role as part of the bylaw's implementation.

Legal/delegation implications

The Reserves Act 1977, the Local Government Act 2002 and the New Zealand Bill of Rights Act 1990 have all been considered and no other legal implications have been noted.

Options

There are essentially three options:

Option A: Status Quo - Not have a bylaw;

Option B: Use another management mechanism e.g. use of monitoring and education.

Option C: Have a bylaw that:

- 1) restricts power-driven vessels on Lakes Waikare and Kai Iwi;
- 2) addresses inappropriate vehicle movements; and
- 3) supports biosecurity checks.

Assessment of options

Option A, the status quo, does not provide for enforceable action to be taken nor does it compel people to do the right thing.

Option B, leaves very little enforcement options. Most alternative options, such as a policy, cannot be enforced, or environmental design could be costly. This may include use of education on activities that have negative impacts on the Lakes backed up with any monitoring or new research undertaken.

Option C introducing a bylaw will allow for enforcement action to occur in order to protect the environmental, archaeological and cultural values of the Domain.

Assessment of significance

The proposed bylaw is considered significant enough to undertake a full public process.

Recommended option

The recommended option is **Option C**.

Next step

Recommend to Council to adopt the proposed Taharoa Domain Bylaw 2018 and Statement of Proposal for public consultation.

Attachments

- Attachment 1 - Draft Bylaw
- Attachment 2 - Statement of Proposal

Kaipara District Council

Statement of Proposal

Taharoa Domain Bylaw 2018

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DRAFT

Statement of Proposal

1 Executive summary

Taharoa Domain is a 538 hectare recreation reserve vested in Kaipara District Council (Council/KDC). The Domain features three lakes: Lake Taharoa, Lake Waikare and Lake Kai Iwi (the Lakes). The Lakes are a popular destination for a range of recreational activities and also recognised by NIWA for their ecological and water quality values. The recreational use of the Lakes is growing and anticipated to continue to do so. Council, as the administering body of the reserve, has an obligation under the Reserves Act 1977 to ensure the management of the reserve reflects the protection of the reserve's values.

Kaipara District Council undertook a review of the Taharoa Domain Reserve Management Plan (January 2002) in 2015 and adopted a new Reserves Management Plan in September 2016. The Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (2016) (the RMP) restricts the use of powerboats (power-driven vessels) specifically on Lake Waikare, unless authorised for safety for events, scientific and research purposes, or for management operations. The RMP allows only one boat ramp into Lake Taharoa and one for Lake Waikare but does not allow any for Lake Kai Iwi. The proposed bylaw has been created to implement the RMP policy objectives.

The Northland Regional Council (NRC) has a Navigational Bylaw that manages the activities on Lake Taharoa, therefore activities on Lake Taharoa will not be covered by this Bylaw.

2 Statutory requirements

Council has the ability to put in place a bylaw to give effect to an RMP under the Reserves Act 1977.

2.1 Reserves Act 1977

The relevant parts of s106 of the Reserves Act 1977 allows the administering body (subject to the approval by the Minister of Conservation) of a reserve to make bylaws for the provision of:

- The management, safety, preservation and use of the reserve or any part thereof and the preservation of the flora and fauna and the scenic, historic, archaeological, biological, geological, or other scientific or natural features therein, and for the preservation of the natural environment;-
- Prescribing the conditions on which persons shall have access to or be excluded from any reserve or any part of a reserve, or on which persons may use any facility (including any building) in a reserve, and fixing charges for the admission of persons to any part of a reserve and for the use of any such facility;
- Regulating the times of admission thereto and exclusion therefrom of persons, horses, dogs, or other animals, and vehicles or boats or aircraft or hovercraft of any description;
- The control of all persons, horses, dogs, and other animals, and vehicles or boats or aircraft or hovercraft of any description using or frequenting a reserve;
- Prescribing conditions on which persons may be permitted to enter and remain on any wilderness area within a reserve;

- Generally regulating the use of a reserve, and providing for the preservation of order therein, the prevention of any nuisance therein, and for the safety of people using the reserve.

Section 107(a) of the Reserves Act 1977 states that the procedure for making bylaws is in the same manner as that in which the local authority is authorised by law to make bylaws (as outlined below).

2.2 Local Government Act 2002

Kaipara District Council is authorised to make bylaws under the Local Government Act (LGA) 2002 under s145-154. Section 146(b)(vi) of the LGA 2002 states '*a territorial authority may make bylaws for its district for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss or for preventing the use of, the land, structures, or infrastructure associated with reserves, recreation grounds, or other land under the control of the territorial authority.*'

Section 155 of the LGA 2002 requires 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. If the local authority determines that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw:

- (a) Is the most appropriate form of bylaw; and
- (b) Gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Section 156 of the LGA 2002 also requires the Council to follow the special consultative procedure when making a new bylaw.

Section 157 of the LGA 2002 sets out the requirements for public notice of the bylaw once it is made.

Section 158 of the LGA requires a bylaw to be reviewed within five years of being made, and pursuant to s159 every 10 years thereafter.

Section 160 of the LGA 2002 sets out the review process.

3 Reason for proposal

The reason for the proposed bylaw is to provide an over-arching enforceable management tool to give effect to the RMP. The RMP contains policy objectives and proposed actions that support the need for the bylaw. This provides for the implementation of the direction set down in the RMP. The RMP sets objectives and actions under Aim 2: Cultural, Aim 3: Environment and Aim 4: Recreation. This includes:

- 1) Restricting motorised boats (power-driven vessels) on Lakes Waikare and Kai Iwi to those power boats that have been specifically authorised:
 - a) as safety vessels for events;
 - b) for scientific and research purposes; or
 - c) for management operations while allowing non-motorised boat activities to occur.
- 2) Controlling vehicle movements to ensure that vehicles are not driven or parked inappropriately so as to compromise the environmental, archeological and cultural values of the Domain; and
- 3) To support biosecurity checks.

Under s155 of the LGA 2002 Council must determine if a bylaw is the most appropriate form to address the issues faced by Council, in this case is it the appropriate form to give effect to the RMP. If it determines that a bylaw is required, it must determine whether it gives rise to any implications under the Bill of Rights Act 1990. Attached is a copy of the proposed Bylaw (**Attachment A**).

4 Current situation

Managing recreational activities across the Domain requires clear rules as different recreational pursuits can clash if not managed properly. The adopted RMP gives direction on what activities should be encouraged in specific areas and which should be restricted. A bylaw is needed to give effect to the actions of the RMP as they are not legally enforceable in their own right. The Reserves Act 1977 allows Council to control the use of boats on the Lakes and vehicles within the Domain.

5 Outcomes sought

The overall direction for the Domain, as articulated through the RMP, is one that recognises the Lakes as a taonga with intrinsic environmental and ecological values.

6 Relevant bylaw determinations

A bylaw is considered the most appropriate way of giving effect to the direction set out in the RMP. Problems, the outcomes sought and the appropriate mechanisms to help deliver the outcomes have been considered. The analysis has been undertaken with regard to the following:

- The purpose of the bylaw is to supplement (and not duplicate) the obligations of people under national legislation or under bylaws such as the Northland Regional Council Kai Iwi Lakes Navigational Bylaw;
- The bylaw is in line with what Council can put a bylaw in place for under the Reserves Act 1977;
- The bylaw gives effect to the management direction within the RMP;
- The bylaw is only one part of the overall approach to address a perceived problem and to ensure strategic alignment of Council's and other agencies' objectives of achieving sustainable management of natural and physical resources;
- A bylaw to address a problem needs to be considered in the context of resources within Council and how enforcement can be achieved in a practical and efficient approach.

Section 77 of the LGA 2002 requires Council to investigate all options that may be useful in achieving the object of its decision.

The options considered by Council are:

- a) Do nothing/status quo.
- b) Use monitoring and education to identify any issues and encourage the public to consider the negative impacts of power-driven vessels on the Lakes and vehicles on the surrounding area;
- c) Regulation through the RMP and KDC bylaw.

The analysis in this SOP has considered the overall direction for the reserve as displayed in the RMP and how this could be achieved through the three options outlined above.

- Option A: Do nothing/status quo

Doing nothing means Council is not giving effect to the RMP's policy objectives. A need to provide mechanisms to regulate the use of the Lakes and Domain has been identified as essential by the Taharoa Domain Governance Committee, Council Officers, NRC and Mana Whenua.

- Option B: Monitoring and education

While education and monitoring are important aspects to achieve behavioural change, a bylaw allows Council to legally enforce this change using their available resources. The increasing number of visitors, including international, would require considerable resources, both human resources and additional multi-lingual signage and promotional material to educate users of the Domain. This would be an expensive cost to Council. Section 106 of the Reserves Act 1977 allows for the use of bylaws for the management, safety, preservation and use of the reserve and for the preservation of the scenic, biological, geological or other natural features and for the preservation of the natural environment. This Section of the Act also specifically allows for a bylaw to control vehicles and boats of any description using or frequenting the reserve.

- Option C: Regulation through a bylaw

By having a bylaw in place means that the objectives of the RMP can be given effect to. The bylaw can restrict the power-driven vessels as outlined in the RMP; control vehicle movements so as not to compromise the environmental, archeological and cultural values of the Domain; and support biosecurity checks that are mentioned within the RMP.

A bylaw contains clear rules and provides enforcement mechanisms that would not be available through education or guidelines. In the absence of a bylaw it is difficult to take action that is contrary to the management direction within the RMP.

Following that analysis Council considers that:

- A bylaw is considered the most appropriate, reasonable and practical option of dealing with the issues facing the Domain;
- It also provide certainty and clarity as to what is expected with the use of power-driven vessels on Lake Waikare and Lake Kai Iwi and for appropriate places vehicles can go within the Domain;
- The bylaw also provides a clear and enforceable solution to give effect to the RMP and ensures KDC is meeting its legislative requirements. In particular the bylaw provides an easy way to address breaches in the management approach outlined in the RMP;
- The bylaw gives effect to the aims, objectives and actions of the RMP;
- The bylaw is the most appropriate form of KDC bylaw and should be notified for public submission;
- The bylaw does not give rise to any implications under, and is consistent with, the Bill of Rights Act 1990, as the controls are reasonable and justifiable in the circumstances allowed for in s5 of the Bill of Rights Act 1990.

Kaipara District Council, as the administering body, has an obligation to ensure the values of the Domain are reflected in the management of the Reserve.

Relationship with the Northland Regional Council Kai Iwi Lakes Navigational Bylaw

Northland Regional Council has recently adopted a Navigational Safety Bylaw for the Kai Iwi Lakes. This bylaw applies to Lake Taharoa only. Lake Taharoa is not included in this proposed bylaw.

The bylaw also provides a clear and enforceable solution to the identified problems and ensures KDC is meeting its legislative requirements.

Taking into account the information above it is submitted that the appended draft Taharoa Domain Bylaw 2018 would be the most appropriate, reasonable and practical option of dealing with the issues facing Lake Waikare and Lake Kai Iwi.

7 Consultation

Under s83 of the LGA, Council will need to invite public submissions on the proposal. It is proposed written submissions must be received by Council by 4.30pm **DDMM** 2018. All submitters who request a Hearing will be advised of a date and time when they can present their views to Council.

8 Draft Taharoa Domain Bylaw 2018

Section 86 LGA requires a SOP to include a copy of the Draft Bylaw. This is attached below.



Kaipara District Council

Taharoa Domain Bylaw 2018

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Relationship of this bylaw with other Council bylaws:

This bylaw does not negate the need to comply with provisions of other relevant Council bylaws. This bylaw should be read in conjunction with other Council Bylaws, particularly Council's Consolidated General Bylaw which include rules around fires and litter.

Taharoa Domain Bylaw 2018

Pursuant to the Local Government Act 2002 and the Reserves Act 1997, the Kaipara District Council makes the following bylaw.

1 Title

This bylaw shall be cited and referred to as the Taharoa Domain Bylaw 2018.

2 Application

The provisions shall apply to the Taharoa Domain (the Domain) and activities on Lake Waikare and Lake Kai Iwi which are located within the Domain. This bylaw does not include activities on Lake Taharoa as it is governed by the Northland Regional Council's Kai Iwi Lakes Navigational Safety Bylaw under jurisdiction of Maritime Enforcement Officers. This bylaw however does govern land-based activities situated around Lake Taharoa.

3 Objectives

The objectives of this bylaw are:

- (a) To protect the cultural, environmental, and social values, of Lake Waikare, Lake Kai Iwi and their surrounds within the Domain as set out in the Reserves Management Plan Kai Iwi Lakes (Taharoa Domain) 2016 (the RMP).
- (b) To protect the safety of the recreational users on the Lakes and within the Domain.
- (c) To enable Kaipara District Council to implement the policies of the RMP.
- (d) To enable Kaipara District Council, as the administering body of the Domain, to meet its requirements under the Reserves Act 1977.
- (e) To provide for the authorising of boats for safety and research purposes, as per the RMP.

Explanation

The RMP contains aims that have been grouped into Management areas. The objectives relate to:

AIM 2: CULTURAL: The relationships of tangata whenua and other peoples, their history, culture and traditions will be reflected and acknowledged in how Kai Iwi Lakes are developed and cared for.

AIM 3: ENVIRONMENTAL: Completing our knowledge about Kai Iwi Lakes will enable effective protection and enhancement of its natural environment and pristine waters.

AIM 4: RECREATION: A diverse range of recreational activities which are compatible with the cultural and ecological values of Kai Iwi Lakes, will be available for all visitors.

Each of these aims are supported by their own objectives and actions.

4 Commencement

This bylaw comes into force on << Date >> subject to the approval by the Minister of Conservation pursuant to s108 of the Reserves Act 1988 or on such later date as that approval may be obtained.

5 Interpretation

In this bylaw, unless the context otherwise requires:

<i>the Act</i>	means the Reserves Act 1977.
<i>Council</i>	means the Kaipara District Council.
<i>Authorised Officer</i>	means: a) any ranger or constable; and b) the Taharoa Domain Manager c) any officer or employee of Council who is authorised to exercise the powers of an officer under the Act.
<i>the Domain</i>	means the Taharoa Domain.
<i>Ecological values</i>	means those values that contribute to the natural ecology of the Lakes and surrounding Domain and is noted within supporting documentation to the Reserves Management Plan Kai Iwi Lakes (Taharoa Domain) 2016 (RMP).
<i>Environmental Values</i>	means the environmental values highlighted within the Reserves Management Plan Kai Iwi Lakes (Taharoa Domain) 2016 (RMP) and supporting documentation to this RMP.
<i>Event</i>	means an organised temporary activity that takes place on one or more days including an organised competition, gathering, parade, protest, multi-venue sports event of a significant scale, fun run, marathon, duathlon or triathlon. For the purposes of this bylaw, sports practice or training is not an event.
<i>the Lakes</i>	means Lake Taharoa, Lake Kai Iwi and Lake Waikare.
<i>the Reserve Management Plan OR the RMP</i>	means the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016.
<i>Management operation</i>	means an activity considered necessary for the management of the reserve as determined by Council.

<i>Maritime Enforcement Officer</i>	means a person appointed as an Enforcement Officer under s33G of the Maritime Transport Act 1994.
<i>Officer</i>	means a) any ranger or constable; and b) any officer or employee of the Council who is authorised to exercise the powers of an Officer under the Act.
<i>Power-driven vessel</i>	means any vessel propelled by machinery.
<i>the Reserve</i>	means Taharoa Domain (a recreation reserve subject to the Reserves Act 1977).
<i>Shore</i>	for the purpose of this bylaw means the land between ordinary high- and low-water marks of the Lakes.
<i>Specifically authorised</i>	means permission is provided in writing by an Authorised Officer of the Council as the administering body of the Reserve. Including any conditions which they may set.
<i>Vessel</i>	means every description of a ship, boat or a craft used in navigation on the water, whether or not it has any means of propulsion and includes a: (a) seaplane while on the surface of the water; (b) personal watercraft (jet ski); (c) raft; (d) paddle craft; or (e) any board used for board sports.

6 Relationship to other Council bylaws

This bylaw does not negate the need to comply with provisions of other relevant Council bylaws. This bylaw should be read in conjunction with other Council Bylaws, particularly Council's Consolidated General Bylaw which include rules around fires and litter.

7 Use of power-driven vessels

No person may operate a power-driven vessel on Lake Waikare or Lake Kai Iwi unless the power-driven vessel has been specifically authorised as a:

- (a) safety vessel for an event; or
- (b) vessel for scientific and research purposes; or
- (c) vessel for management operations under clause 12.

8 Use of boatramps

- (1) All power-driven vessels must use the boatramp designated on the Map in Schedule A to enter Lake Taharoa. Power-driven vessels may not enter Lake Taharoa at any other place.

- (2) Use of power-driven vessels entering Lake Waikare is restricted. Power-driven vessels that have been specifically authorised as a safety vessel for events, or for scientific and research purposes or for management operations, in accordance with clause 12 below, may only enter the Lake subject to the following conditions:
- (a) Only the designated boat ramp at Lake Waikare is used (refer to Map A for boat ramp location); and
 - (b) that any directions given by an Authorised Officer are followed.

No other power-driven vessels may enter Lake Waikare.

- (3) All other vessels may enter Lake Waikare at the designated boat ramp, or at any other place around the Lake, provided that no vehicle or trailer is driven on or across the shore (refer to Map A for boat ramp location).
- (4) No person shall move any vehicle on any boat ramp at a speed exceeding 5km.
- (5) No person shall leave any vessel trailer or motor vehicle on or near any boat ramp so as to obstruct the safe and reasonable use of the boat ramp by any other person.
- (6) No person shall launch and use any boat trailer other than in accordance with the requirements of this bylaw.
- (7) The Taharoa Domain Manager or Council's Chief Executive may make rules for the use of the boat ramps at the Taharoa Domain for safety reasons.
- (8) An Authorised Officer may refuse vessel or power-driven vessel access to the Lakes if the owner or master refuses to undertake a biosecurity check upon request.

9 Vehicle movements and parking

- (1) No vehicle, other than an emergency vehicle, shall be driven on or along the shore except at the designated boat ramps.
- (2) Vehicles must not be driven anywhere in the Reserve other than on a formed road unless:
 - (a) It is within parking areas shown on the Map in Schedule A of this bylaw; or
 - (b) Directed by an Authorised Officer.
- (3) Vehicles can park on any parking area shown on the Map in Schedule A or within dedicated parking areas in the confines of either of the two camp grounds within the Reserve.
- (4) Designated drop-off zones as shown on the Map in Schedule A must be used to drop off people and equipment or other items. No vehicle (or trailer) shall be parked for more than 10 minutes in any drop-off zone next to a designated boat ramp.
- (5) An Authorised Officer may set aside an area for parking, or close a parking area, or declare an area to be a drop-off zone for the purposes of this bylaw.
- (6) An Authorised Officer may set aside an appropriate area to allow for biosecurity checks to be undertaken within the Reserve.

10 Powers of Council or any Authorised Officer - ordering off the Reserve

- (1) The Council or any Authorised Officer may close a boat ramp from time to time when considered necessary to protect the environmental or ecological values of the Lakes or for reasons of public safety and no person shall at this time use the boat ramp(s) without the consent of Council or an Authorised Officer.
- (2) The Council or any Authorised Officer may refuse vessel access to the Lakes if the owner or master refuses to undertake a biosecurity check upon request.
- (3) Any Authorised Officer may require the owner or master of any vessel or power-driven vessel (or vessel trailer or motor vehicle) to comply with this bylaw and refusal or failure to do so shall be an offence.
- (4) If the owner or master of such vessel or power-driven vessel (or vessel trailer or motor vehicle) does not comply as required or cannot be readily located, an Authorised Officer may authorise the removal of the vessel or power-driven vessel (or vessel trailer or motor vehicle) to another place of reasonable safety provided that he or she has first advised the person in possession (if any) of that vessel or power-driven vessel.
- (5) The vessel or power-driven vessel (or vessel trailer or motor vehicle) will be seized and impounded if the offence continues, and an opportunity has been given to stop the offending. Any expense incurred by the Council during such removal may be recovered from the owner or master in accordance with s167 of the Local Government Act 2002.
- (6) In accordance with the provisions of the Reserves Act 1977 a person committing a breach of this bylaw shall, upon request by an Officer, immediately remove the power-driven vessel from the Reserve and may not re-enter the Reserve with the power-driven vessel.
- (7) A person ordered to leave the Reserve as provided for by this clause of this bylaw shall remain liable for the breach of this bylaw and may not re-enter the Reserve for a period of time specified by an Officer. This timeframe will be at least 24 hours but no longer than two weeks.
- (8) In accordance with the provisions of s94 of the Reserves Act 1977 a person committing a breach of clause 7, clause 8 and clause 9 of this bylaw shall, upon request by an Authorised Officer, immediately remove any vessel, power-driven vessel or vessel trailer or motor vehicle to an approved area or upon request remove any vessel, power-driven vessel or vessel trailer or motor vehicle from the Reserve and may not re-enter the Reserve for 24 hours.

11 Offenders required to give names

Any person who commits a breach of this bylaw shall, if so requested by an Authorised Officer, supply their full name and address.

12 Specific authorisation under this bylaw

- (1) Specific authorisation under this bylaw is required to use a power-driven vessel on Lake Waikare and Lake Kai Iwi and shall be given only for an event, scientific and research purpose or management operation.

- (2) Any request for authorisation under this section shall be made in writing to Council at least 20 working days prior to the event, or when any scientific or management activities are proposed to occur.
- (3) Any such authorisation may be subject to such terms and conditions as the Authorised Officer giving permission thinks fit.

13 Offence and penalty

Every person who contravenes this bylaw commits an offence and is liable to the penalty set out in s104 of the Reserves Act 1977.

To be added once approved.

The Bylaw was made by the Kaipara District Council by Special Consultative Procedure and confirmed at a meeting of Council held on

This Bylaw was approved by the Minister of Conservation on ... pursuant to Section 108 of the Reserves Act 1977.

Schedule A – Map

File number: 4702.24.02 **Approved for agenda** ☒

Report to: Taharoa Domain Governance Committee

Meeting date: Thursday 16 August 2018

Subject: Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 - Formal revocation of Taharoa Domain Governance Committee 08 February 2018 resolution

Date of report: 27 July 2018

From: Lisa Hong, Governance Advisor

Report purpose ☒ **Decision** ☐ **Information**

Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

This report recommends that the Taharoa Domain Governance Committee (the Committee) formally revokes a previous decision that was found to be outside its delegated authority. This decision was erroneously recommended to the Committee by staff.

Recommendation

That the Taharoa Domain Governance Committee:

- 1 *Receives the Governance Advisor's report 'Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 - Formal revocation of Taharoa Domain Governance Committee 08 February 2018 resolution' dated 27 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Revokes the decision that the Taharoa Domain Governance Committee '[i]nstructs Kaipara District Council staff to make a submission to the Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 advocating for 200 metre speed restrictions'.*

Reason for the recommendation

To record a formal revocation of a previous decision of the Committee that was found to be outside its delegated authority.

Reason for the report

A decision of the Committee may be queried in the future. For completeness, this report seeks to formally revoke a previous decision of the Committee made outside its delegated authority.

Background

In an agenda report, staff recommended to the Committee to make a submission to the Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017. Subsequently, at its meeting on 08 February 2018, the Committee '*instruct[ed] Kaipara District Council staff to make a submission to the*

Northland Regional Council's Navigation Safety Bylaw for Kai Iwi Lakes 2017 advocating for 200 metre speed restrictions'.

However, it was later noted by staff that this did not sit within the Committee's delegated authority. The Committee's Terms of Reference stated that the Committee had the following delegations:

- *Manage the financial affairs of the Taharoa Domain;*
- *Apply for funding from external sources for the enhancement of the Domain;*
- *Administer any Kaipara District Council bylaw or regulation associated with the Domain;*
- *Make recommendations to the Kaipara District Council for the development of policies, bylaws or other regulatory tools for the effective management of the Domain.*

Due to time restrictions imposed by both the Northland Regional Council (NRC) submission deadline and the schedule of Council meetings, the submission could not be brought to full Council for a decision, which resulted in no submission being made to NRC.

Committee members were notified and resources were made available for Te Roroa and Te Kuihi representatives to make submissions on behalf of their own organisations.

Factors to consider

Community views

The community expects Council and its Committees to work in a clear structure with good records.

Policy implications

The recommendation in this report is not considered significant as defined in Council's Significance and Engagement Policy.

Financial implications

There are no financial implications.

Legal/delegation implications

There are no legal/delegation implications. Clause 23.6 of the operative Kaipara District Council Standing Orders states that 'any committee... may revoke or alter all or part of a resolution passed by a previous meeting'.

Options

Option A: The Committee formally revokes the decision.

Option B: The Committee does not formally revoke the decision.

Assessment of options

Option A: This will provide clarity in Council's records.

Option B: Council as whole has not made a submission to NRC's Kai Iwi Lakes Navigation Safety Bylaw 2017. Relevant parties have been informed. However, the previous decision may cause confusion in the future.

Recommended option

The recommended option is A.

Next steps

Nil.

Attachments

Nil.

6 Information

File number: 4702.24.02.02 **Approved for agenda** ☒
Report to: Taharoa Domain Governance Committee
Meeting date: **16 August 2018**
Subject: **Taharoa Domain Operations Update: May 2018 to July 2018**
Date of report: 02 August 2018
From: Hamish Watson, Parks and Recreation Manager
Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

The Committee is charged with implementing the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) 2016. The RMP has been developed to provide strategic guidance to the custodianship and enhancement of Kai Iwi Lakes (Taharoa Domain).

The following is a brief summary of activities, operations and maintenance work carried out over the months of May 2018 to July 2018.

- The new toilet facilities at Lake Waikare and caravan dump station are progressing with the Resource consent approved, contract being awarded to Plumbing and Heating, building consent has been submitted and waiting on approval;
- A joint venture between KDC and Northland Regional Council (NRC) to spray Pampas was undertaken;
- UV systems for all three water supplies across the Taharoa Domain have been implemented with some work still to be done to complete;
- Planted approximately 4,000 native plants throughout the Taharoa Domain, with the remainder due for delivery in September 2018;
- Te Roroa continues with removal of Wilding Pines;
- General track maintenance ongoing;
- The annual trout fishing contest was held over the weekend of 07/08 July 2018, with the Mayor and Lakes camp ground staff attending prizegiving;
- Bookings opened for the upcoming 2018/2019 season on 01 July 2018 with registrations coming in continuously;
- Council staff have asked for carry over budget of \$64,000 for boat ramp and bio-security design and construction;
- KDC is working to prepare a new Reserves and Open Spaces Strategy (ROSS). ROSS is focused on the high level, strategic issues around managing the many areas of reserve and open space land which Council holds on behalf of the community. As part of this process, the team is writing to, and meeting with, key stakeholders to seek their input into a draft Strategy. The draft Strategy will later be subject to a full public consultation process, including submissions and hearings before being adopted.

It should be noted that, at this stage, the new Strategy is not anticipated to alter the way the Kai Iwi Lakes (Taharoa Domain) are managed. The existing arrangements are considered appropriate.

- Council staff have begun the process of reviewing Council's Policy on Dogs and Dog Management Bylaw. Council staff are working to identify the issues the district is facing with dog control and to seek input from key stakeholders and partners. This will then allow the preparation of a draft policy and bylaw, and Statement of Proposal. These documents will later be adopted for full public consultation, including hearings, early in 2019.

Currently, no dogs are allowed at the Taharoa Domain. This is largely out of concern for kiwi which have been known to disperse to the domain and establish themselves there. No changes to this status are currently proposed. If the Committee wishes to change this status, they can raise this through their meeting and this can be taken into account while the policy and bylaw are being reviewed.

- As a part of the new Long Term Plan 2018/2028 (LTP) Council adopted the Reserve Contributions (use of) Policy (**Attachment 1**) a part of this was to continue to provide budget of \$100,000 for the Taharoa Domain and remove the \$180,000 budget for Kai Iwi Lakes Camp Ground. There is the opportunity to apply through the contestable fund process for funding of additional projects if they meet the criteria.
- Taharoa Domain Governance Committee received a letter regarding possible Provincial Growth Fund applications for Kai Iwi Lakes from Envirostrat Consulting Limited (**Attachment 2**), which has been passed on to appropriate staff to be assessed.
- Below is a list of recommended Capital Works from the allocated budget for 2018/209 that meets the criteria.

Track formation	\$50,000
Extend powered sites	\$30,000
Restoration plants	\$20,000

Recommendation

That the Taharoa Domain Governance Committee receives the Parks and Recreation Manager's report 'Taharoa Domain Operations Update: May 2018-July 2018' dated 02 August 2018 and Attachments 1 and 2.

Reason for the recommendation

To ensure the Committee is informed about the implementation of the Kai Iwi Lakes (Taharoa Domain) RMP and information regarding the ongoing Domain and camp grounds operations.

Reason for the report

To present the operational report for the Kai Iwi Lakes (Taharoa Domain) for the May 2018 to July 2018 period so the Committee can be well-informed.

Background

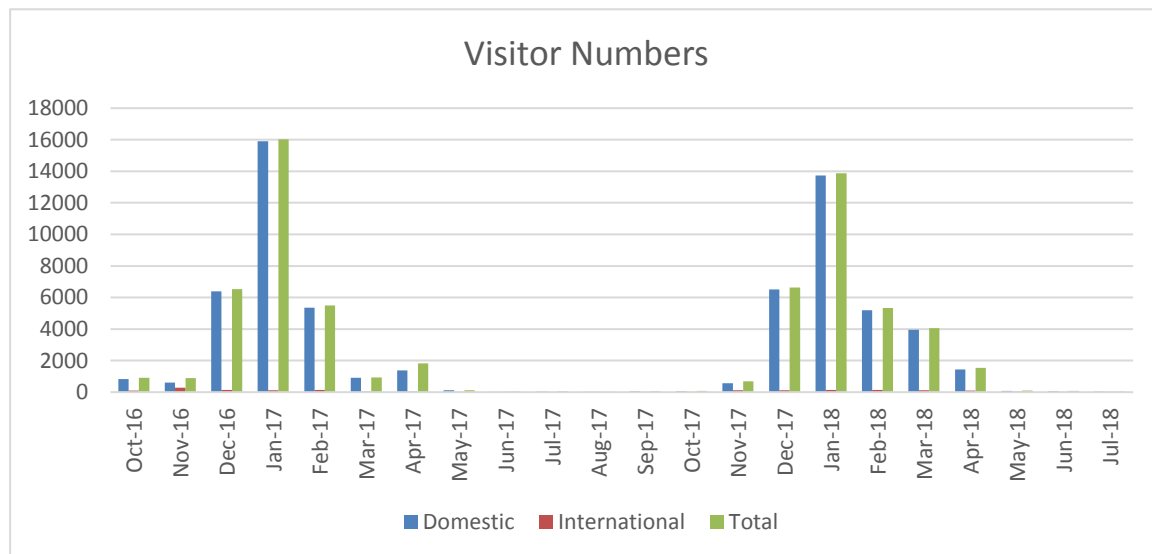
The Committee is charged with implementing the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP). The RMP has been developed to provide strategic guidance to the custodianship and enhancement of Kai Iwi Lakes (Taharoa Domain).

The Kai Iwi Lakes are among the best known dune lakes in New Zealand and all three Lakes, Taharoa, Waikare and Kai Iwi, are ranked as outstanding by NIWA. Growing populations, particularly Auckland, along with road improvements has led to increased visitors and associated pressures.

It is the intent of the RMP to enable the Lakes and its surrounds to be enjoyed by all visitors while simultaneously enhancing the area and reducing risks through knowledge and active management.

Finding a balance between public use and ensuring its continued health and well-being of the Lakes is a challenge for the Committee. Continued thought, collaboration, planning and funding is required around pest and weed control (the largest issues facing the long term health and natural character of the Domain) along with biosecurity (aquatic weed incursion and prevention), understanding the hydrology of the Lakes, as well as recognising the cultural importance of the area.

Below is a table that shows the number of campers from October 2016 to July 2018 and breaks the numbers down to domestic and international visitors.



Visitor numbers

Month	Total visitors	Domestic visitors	International visitors
July 2018 (as of 24 July)	43	31	12
June 2018	73	59	14
May 2018	109	78	31
April 2018	1,544	1,446	98
March 2018	4,066	3,953	113
February 2018	5,331	5,188	143
January 2018	13,884	13,739	145
December 2017	6,626	6,514	112
November 2017	689	561	128
October 2017	74	64	10
September 2017	63	55	8
August 2017	27	12	15
July 2017	53	32	21
June 2017	47	29	12
May 2017	129	114	15
April 2017	1,816	1,376	33
March 2017	939	904	35
February 2017	5,500	5,363	137
January 2017	16,022	15,899	123
December 2016	6,531	6,382	149
November 2016	888	609	279
October 2016	921	828	93

Factors to consider

Community views

The RMP was developed using a public process and reflects the views of the community and other stakeholders at the time of its development.

Policy implications

Nil. Operational decision-making has been consistent with the RMP.

Financial implications

It is the Parks and Recreation Manager's responsibility to ensure all operations are conducted within budget. The financial budgets are set within the LTP and respective Annual Plans. Operative budgets and performance are reported in a separate financial report.

Legal/delegation implications

There are no delegation issues; the Committee has delegated authority from Council to govern the Domain in terms of the RMP.

Assessment of significance


This matter does not trigger Council's Significance and Engagement Policy.

Next step

Council Officers will continue to implement the RMP.

Attachments

- 1 Reserve Contributions (use of) Policy
- 2 Memo from Envirostrat Consulting Limited dated 01 May 2018

	Title of Policy	Reserve Contributions (use of) Policy		
	Sponsor	Commissioner Winder	Adopted by	Council
	Author	J McPherson	Date adopted	23/05/2018
	Type of Policy	Operational	Last review date	28/02/2018
	File Reference	2304.17	Next review date	16/12/2020

Document Control			
Version	Date	Author(s)	Comments
1 st Commenced	16/12/2014	J McPherson	Originally adopted by Council
1.0	27/11/2017	P Hansen Policy Analyst	Amended through review by Reserve Contributions Committee
2.0	25/01/2018	P Hansen Policy Analyst	Amended Policy Adopted by Council for Consultation?
3.0	23/05/2018	P Hansen Policy Analyst	Final reviewed Policy adopted

1. Background

1.1 Financial contributions

Financial contributions are a type of levy applied to offset the effects of growth. Council has a Financial Contributions Chapter in its District Plan. This outlines how much can be imposed on land developers when a resource (land use or subdivision) consent is approved. The District Plan relies on the provisions of the Resource Management Act to define how financial contributions can be spent. **Reserve contributions** are a subset of financial contributions.

Section 108(10)(a) of the Resource Management Act 1991 (the Act) allows Council to require financial contributions for reserves, where necessary, to achieve one or more of the following purposes:

- Creating open space (including recreation areas, visual buffers and amenity areas) through reserve contributions.
- Adding capacity to or otherwise enhancing existing open spaces (including recreation areas, visual buffers and amenity areas) through reserve contributions.
- Giving public access to coastal areas, reserves, bush areas or areas of special character through reserve contributions.

1.2 Reserves contributions

Council may require a financial contribution in cash or land towards the establishment and/or upgrading of reserves and public open space areas as a condition of land use consent or subdivision consent.

In the Kaipara District Plan section 22.6.6 details the purpose of reserve contributions:

“By requiring developments to pay their fair and reasonable share of the costs of purchasing land for reserves or upgrading existing reserves.

New developments generate an increase in demand for, and usage of, reserves, open space and public recreation facilities. All new developments will be required to contribute towards the costs of acquiring new, or upgrading existing reserves, open space or facilities, in accordance with Council’s Reserves and Open Space Strategy.

Financial contributions for reserves will only be used for the purchase and development of new reserves or for the improvement and development of existing ones. The maintenance of reserves and recreational facilities is funded through rates.”

In section 22.10.6 of the District Plan describes what purposes a reserve contribution will be put:

Any **reserve contribution** required as a condition of land use consent or subdivision consent may be in the form of:

- a) Land to be set aside and vested in Council for reserve or public open space purposes; or
- b) A cash contribution to Council for it to carry out works relating to developing or upgrading reserves or public open spaces in the district.

In addition under Section 108 of the Act, Council can require as a resource consent condition works on any reserve or public open space. Such works may include but are not limited to:

- a) Fencing;
- b) Landscaping including grassing and tree planting;
- c) Provision of play equipment and other recreational facilities (including tables/chairs); and
- d) Provision of footpaths and walking tracks.

When the contributions are taken as land vested in Council:

- a) There must be a demonstrable current or foreseen future shortage of open space in a particular area; and
- b) The land must be suitable for the intended purpose.

2. Objectives of this Policy

The objectives of this Policy are:

- a) For Council or a committee of Council to define the priorities it has for the use of reserve contributions;
- b) To use these priorities to determine projects of greatest benefit to the community; and
- c) To allow community input and participation through a discretionary contestable process.

3. Definitions

Reserve contributions: a mechanism in the District Plan that allows for the collection of levies from developers, so that Council can develop or upgrade reserves and other public open spaces.

Open space: recreational areas, visual buffers and amenity areas (as described in the Act).

Local: the district has been divided up into four catchments described as Dargaville and Surrounds; Maungaturoto, Paparoa, Tinopai and Surrounds; Kaiwaka and Surrounds; Mangawhai and Surrounds. The catchment areas are depicted in Appendix A.

4. Existing parks and reserves

For information on the existing parks and reserves refer to the Reserves and Open Space Strategy (ROSS).

5. Eligibility criteria

5.1 Criteria for eligibility for use of reserves contributions

When assessing proposals for the use of reserve contributions, Council will have regard to the following criteria:

- a) Creating public open spaces (including recreation areas, visual buffers and amenity areas).
- b) Adding capacity to or otherwise enhancing existing public open spaces (including recreation areas, visual buffers and amenity areas). This can include:
 - bringing existing reserves up to a minimum standard for public use e.g. supplying public toilets in recreation reserves;
 - landscaping; and
 - providing equipment e.g. seats, barbecues, playgrounds.
- c) Giving public access to coastal areas, reserves, bush areas or areas of special character. This is typically through:
 - the development of walking tracks; and
 - the purchase of land that connects two public areas otherwise not accessible to the public.
- d) Within each catchment, consideration will be given to the amount of funds collected in the locality of a proposed project.
- e) Consideration will be given to projects that add amenity to the parks and reserves that are lacking in amenities.

All allocations will be judged against their fit with these criteria. The funds will not be used for normal asset management (maintenance, repairs and renewals).

6. Distribution of reserve contributions

Council will generally apply funds in the locality in which they are generated, and may apply up to 20% of the funds in other parts of the district.

7. Public contestable funding round

A public contestable funding round will be held on an annual basis for catchments where sufficient funds have accumulated to make the process worthwhile. Where there are sufficient funds Council will typically aim to distribute them within three years of collection.

During each round projects initiated by Council, and community groups within the catchment, will be considered by the Reserve Contributions Committee. The Reserve Contributions Committee will then make recommendations to the full Council for approval.

All decisions on whether and how to distribute the funds will be at the sole discretion of Council and are final.

a) Contestable fund distribution

There is a need for a high level of transparency and accountability for the spending of reserves contributions. To enable this standard to be met, accountability arrangements will be documented in a

formal Contract between the community organisation receiving support and Council. The Agreement will be appropriate to reflect the nature and level of support given.

Funding will be implemented through a Contract which will outline:

- the project for which the funding was provided for;
- the conditions attached to the funding;
- accountability requirements, including the methods to report back on the use of the funds; and
- the steps Council will take if progress is not as planned.

b) *Timing of applications*

The timing of reserve contribution grants will be matched with the planning and budgeting cycles of the Council. In the first year of operation of this Policy Council will call for applications in February and release decisions by the end of May. In subsequent years, Council will call for applications in June and release decisions by the end of October. Should there be sufficient reserve contributions collected during the year Council may consider opening up a second funding round.

Decisions on reserve contributions distribution will be recommended to Council by the Reserve Contributions Committee, who has been given delegated authority from Council to make recommendations on applications. Council will then make the final decision. All grants entered into during the year will be reported in the Annual Report for that year.

Application forms will be made available on Council's website and at Council offices when the funding round opens.

c) *General assessment criteria*

Council will consider the following when assessing applications received for reserve contributions. These are general criteria which community organisations applying for support need to demonstrate in their applications.

d) *Consistency with the Reserve Contributions (use of) Policy*

Any application will need to be consistent with the eligibility criteria of section 5 of the Reserve Contributions (use of) Policy.

e) *Not-for-profit*

With the exclusion of any Council application, Council assistance will only be provided to legally constituted not-for-profit entities, and there should be a volunteer component to any non-Council applications.

f) *Financial reporting*

All applications must be accompanied by an audited or reviewed Statement of Financial Position for the previous financial year and a budget projection for the next financial year.

g) *Central government funding*

Community organisations that can receive funding from central government will be considered for grants, however no central government agency may apply for funding.

h) Health and safety

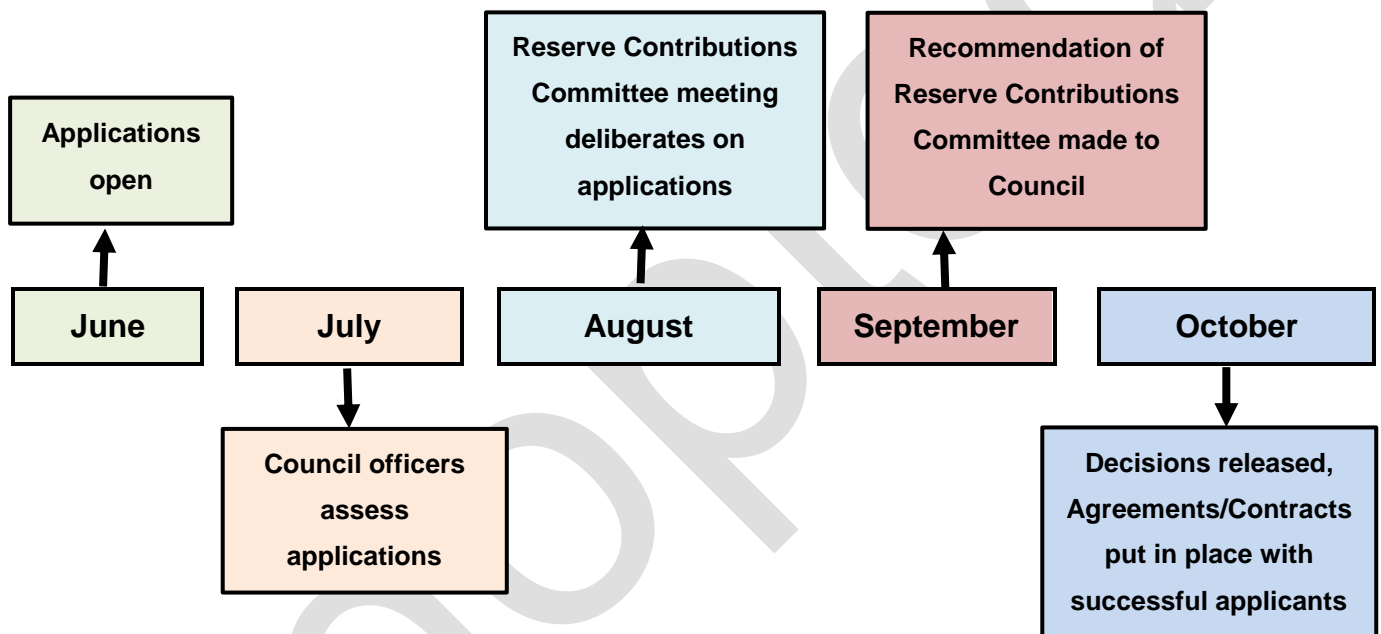
Applicants must comply with all health and safety legislative requirements.

i) Accountability requirements

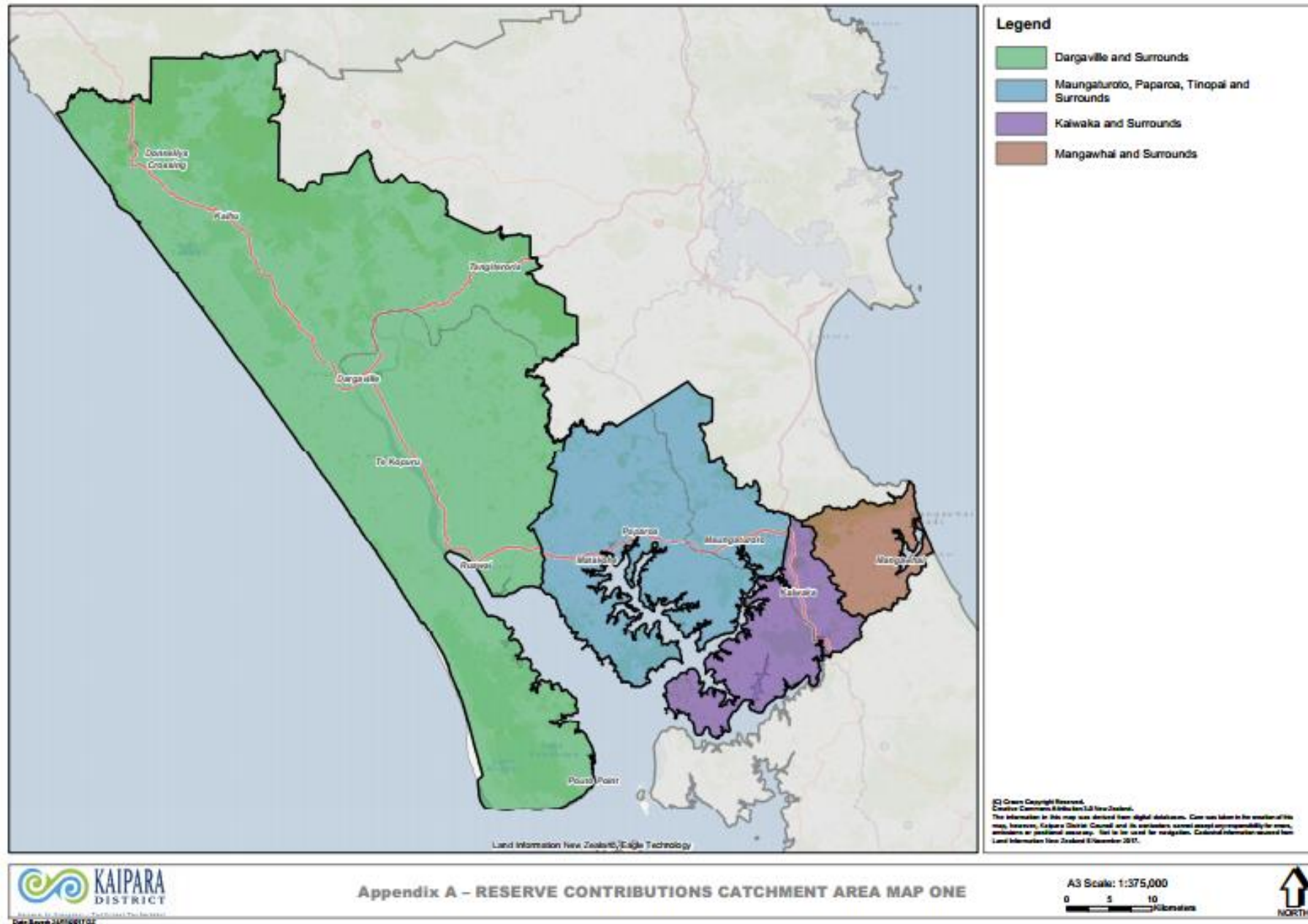
All recipients under this Policy are required to enter into an Agreement or Contract with Council that outlines the terms and conditions of the approved assistance. Funds will not be provided until both parties have signed the Agreement or Contract, which will outline, among other obligations:

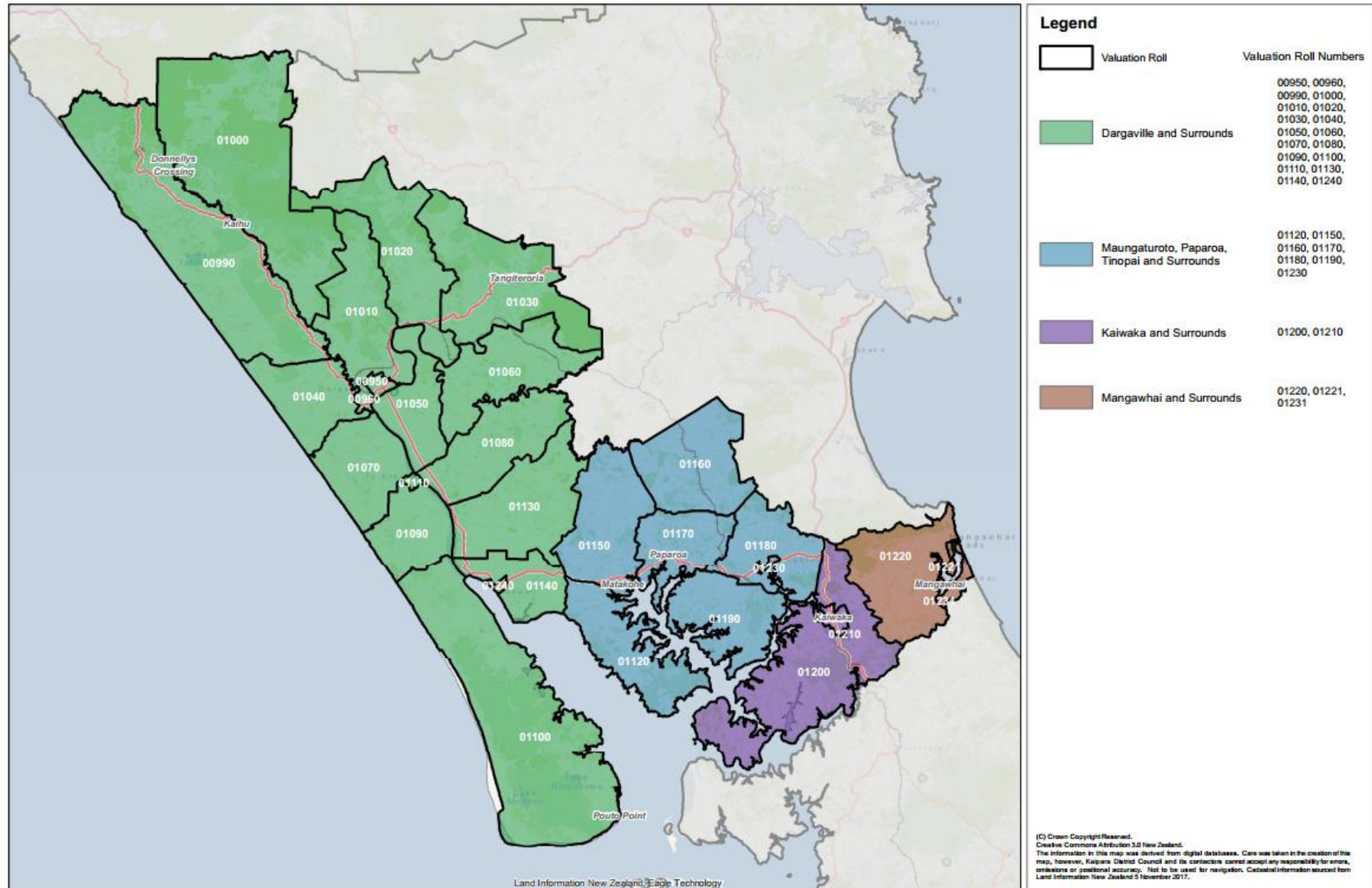
- The purpose and conditions of the assistance; and
- Accountability requirements, as determined by the level of assistance required.

Contestable Application Process



Attached to this policy are the catchment maps relating to the funding catchment areas





10 MAY 2018

RECEIVED

MEMORANDUM

Date: 1 May 2018

To: Richard Parore & Sonny Nisbet - Taharoa Domain Governance Committee

From: Nigel Bradly, Envirostrat Limited

RE: POSSIBLE PROVINCIAL GROWTH FUND APPLICATION FOR KAI IWI LAKES

Kia ora Richard and Sonny.

By way of introduction, I run a consulting firm that specialises in the freshwater, marine and energy sectors. We work closely in partnership with iwi, regional and district councils, commercial sectors and central government across NZ. Much of this work focuses on opportunities to achieve commercial outcomes from projects that also deliver cultural, environmental and social gains for those involved.

Through a series of recent discussions and meetings with Leon Parore regarding the Kai Iwi Lakes it has become evident that an opportunity may exist to obtain financial support from the newly established Provincial Growth Fund to further realise the cultural, environmental, and economic objectives described in the *Kai Iwi Lakes Reserve Management Plan*.

The Reserve Management Plan does an excellent job of describing the high level objectives and actions across a range of topics. In our experience, many of those objectives and actions will themselves require significant additional scoping and development, and future investment in order to realise your vision: *Kia tiaki kia whakareia enei taonga tuku iho ara ko nga roto o Taharoa, hei taonga hiranga o te ao. To protect and enhance Taharoa Domain as taonga of global significance for the benefit of present and future generations.*

We believe there is an opportunity to access government funding to help realise your vision. On further discussion with Leon, it was agreed that we would present this concept as a group, to the Taharoa Domain Governance Committee.

Our recent experience in developing and implementing strategies of this nature provides us with an excellent understanding of how to create projects that simultaneously deliver economic, cultural and environmental outcomes.

Regional Growth as a Government Priority

The *Tuawhenua Provincial Growth Fund*, created in December 2017 by the coalition government identifies Tai Tokerau / Northland as a "surge region", prioritising early investment from the Fund. The focus for the Fund in 2018 will include assistance with activities that *generate quality investment opportunities that will deliver the enhancement in the productivity potential of regions*. Outcomes sought by the Fund that are particularly relevant include:

- Increased regional economic output.
- Enhanced utilisation and returns for Māori from their assets.
- Investments that enhance regions' natural capital (e.g. improving water quality, soil integrity and the health and functioning of natural habitats).



Following a recent discussion with Leon and our understanding of your aspirations as outlined in the Reserve Management Plan, we believe further development and implementation of some of the objectives and actions within the Kai Iwi Lakes Reserve Management Plan would meet the criteria for Provincial Growth Funding.

Anticipated Outcomes

Outcomes we would expect to achieve for the Kai Iwi Lakes and surrounding areas include:

Social & Cultural

- a) Enhanced cultural value alignment between visitors and the tribe through inclusion of a mātauranga māori 'lens' across all future development.
- b) Tribal and community engagement, education and participation.
- c) Improved public access and amenities, whilst protecting any future impacts on sites of importance to the tribe.
- d) Improved tourist facilities and access where these align with your cultural and economic development objectives.

Economic

- e) New commercial assets and revenue-generating activities, and alignment with other revenue generating natural assets such as Waipoua forest.
- f) Improved financial sustainability and performance.
- g) Opportunities for increasing local employment.

Environmental

- h) Enhanced environmental protection / restoration of Kai Iwi lakes and surrounding areas.
- i) Restoration of taonga species (such as tuna), and indigenous habitats, where these have been lost or severely damaged in the past, and incorporating the paramount importance of these species and habitats in your future economic growth plans.

Any Provincial Growth Fund application and ensuing projects would be entirely consistent with (and build on) the existing Reserve Management Plan, and would be undertaken in agreement with the TDGC.

Process & Resources

If this project is of interest, we recommend a hui to discuss how it might be undertaken. Based on our experience with similar projects, our recommended approach would be:

1. Agree and document the broad drivers and expected outcomes for the project across all well beings, consistent with the Reserve Management Plan and any subsequent decisions of the Governance Committee.
2. Draft a Provincial Growth Fund application on behalf of TDGC, and engage with government officials as necessary.
3. Submit the application and ensure successful funding.
4. Help you deliver the project to achieve the vision described in the Reserve Management Plan.

About Envirostrat

Recent work of relevance has included:

- Impact investment project development in the Upper Waipa catchment, working alongside Maniapoto Maori Trust Board, Waikato Regional Council and Waikato River Authority.
- Leadership of the writing team for *Tai Timu Tai Pari* - a marine spatial plan to prioritise future growth and restoration in the Hauraki Gulf.
- Development of a long term restoration plan for the Waikato and Waipa Rivers on behalf of the Waikato River Authority and river iwi.
- A Green Growth Strategy for the Waikato Region.
- A feasibility study for an education and research facility at Aotea / Great Barrier Island.
- A review of co-governance for Te Waihora / Lake Ellesmere.
- Impact investment feasibility for the seafood sector in the Hauraki Gulf.

Most of these projects have been undertaken in either a co-governance or co-management context. Our team includes economists, iwi advisors, investors, environmental scientists and technology experts.



OBJECTIVES

- To promote Kai Iwi Lakes widely as a passive and active recreation visitor attraction.
- To develop Taharoa so that it offers attractions which are used throughout the year.
- To develop services and facilities to attract visitors from education and science sectors.
- To re-establish Taharoa Domain's natural flora and fauna as the centre piece to its economic development and sustainability.

PROPOSED ACTIONS

- A promotional strategy is completed and implemented to reinforce Taharoa Domain's reputation as a destination, sitting alongside allied local attractions like Waipoua Forest (The Kauri Coast Experience).
- Digital media is being effectively applied to evocatively portray the values of Taharoa Domain.
- An Infrastructure Development Plan is completed to include design and feasibility assessment for new/extended visitor facilities (including accommodation) and recreational opportunities to generate a wider spread of use and revenues throughout the seasons.
- Production forestry practices are discontinued and replaced with a focus upon restoration and re-vegetation of the Domain.

6.2 Financial report for 12-month period ending 30 June 2018

Financial Services Manager **4702.24.02.01**

Recommendation

That the Taharoa Domain Governance Committee receives the Financial Services Manager's report 'Financial report for 12-month period ending 30 June 2018'.

Taharoa Domain
Financial Summary Report 30 June 2018

Income

ACTUAL			ACTUAL	BUDGET	
12 months to	Kai Iwi Camp	Taharoa Domain	12 months to	12 months to	
30.06.2017			30.06.2018	30.06.2018	% incr/decr
\$ Revenue			\$	\$	
406,667 Camping fees	392,761	-	392,761	390,401	1%
35,000 Other Income	-	35,000	35,000	-	0%
441,667 TOTAL	392,761	35,000	427,761	390,401	9.6%

Expenditure

ACTUAL			ACTUAL	BUDGET	
12 months to	Kai Iwi Camp	Taharoa Domain	12 months to	12 months to	
30.06.2017			30.06.2018	30.06.2018	
\$ Description	\$	\$	\$	\$	% incr/decr
12,618 Transport costs	1,277	4,066	5,343	6,458	-17%
1,297 Resource Consents	126	454	580	815	-29%
157,237 Grounds maintenance	29,439	139,370	168,809	156,033	8%
41,787 Building maintenance	22,617	28,890	51,507	56,074	-8%
54,402 Professional service	36,560	1,380	37,940	67,697	-44%
0 Advertising and promotion	-	211	211	711	-70%
150,851 Staff salaries and employee costs	-	207,387	207,387	186,145	11%
2,085 Insurance	2,107	1,972	4,079	4,524	-10%
10,924 Power and water costs	6,936	3,697	10,633	11,162	-5%
24,235 Refuse disposal	27,163	-	27,163	29,350	-7%
42,380 Sundry	26,559	3,159	29,718	35,392	-16%
497,816 TOTAL	152,784	390,586	543,370	554,361	-2.0%

Capital Expenditure

ACTUAL			ACTUAL	BUDGET	
Total	Kai Iwi Camp	Taharoa Domain	Total	Total	
12 months to			12 months to	12 months to	
30.06.2017			30.06.2018	30.06.2018	
\$ Description			\$	\$	% incr/decr
500,164					
10087 Kai Iwi facilities	110,076		110,076	151,581	-27%
10707 Tractor		45,480	45,480	45,480	0%
10706 Taharoa Domain - implement Reserve Management Plan		66,211	66,211	100,482	-34%
497,816 TOTAL	110,076	111,691	221,767	297,543	-25.5%

File number: 4702.24.05 **Approved for agenda** ☒
Report to: Taharoa Domain Governance Committee
Meeting date: 16 August 2018
Subject: Kai Iwi Lakes Dune Lakes Galaxias Working Group update
Date of report: 30 July 2018
From: Mark Schreurs; Policy Analyst
Report purpose ☒ **Decision** ☐ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

The Kai Iwi Lakes Dune Lakes Galaxias Working Group (the Working Group) met on Thursday 21 June 2018 to further discuss the work its constituent organisations are undertaking to protect the Dune Lakes Galaxias (*Galaxias sp.*) (a threatened native fish hereafter referred to as the DLG). The notes from this meeting are included with this covering report as **Attachment 1**.

The key projects being progressed are:

- Studying how trout diet varies throughout the year and throughout their lifespan;
- Monitoring tuna (eel) abundance;
- A review of the Department of Conservation's spotlight monitoring method, including re-analysing the data to better identify trends;
- Designing an experiment to test if trout have an overall positive or negative effect on the DLG;
- Exploring the possibility of translocating DLG. This project would seek to establish a population of DLG in another lake where they would be safe from trout and Gambusia. This would reduce the risk of the species becoming extinct;
- Collecting a sample of DLG to analyse their otoliths (a bony structure in the ear/gill of the fish) to identify when they spawn;
- Studying the distribution and behaviour of Gambusia in the lakes;
- Gambusia control was also discussed, however there are insufficient resources to address this problem at present.

Recommendation

That the Taharoa Domain Governance Committee:

- 1 *Receives the Policy Analyst's report 'Kai Iwi Lakes Dune Lakes Galaxias Working Group update' dated 30 July 2018; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Receives the information in the above-mentioned report giving an update on the work of the Kai Iwi Lakes Dune Lakes Galaxias Working Group and its members.*

Reason for the recommendation

So the Committee may be updated on the work of the Kai Iwi Lakes Dune Lakes Galaxias Working Group and its members.

Reason for the report

To update the Taharoa Doman Governance Committee (the Committee) on the work of the Kai Iwi Lakes Dune Lakes Galaxias Working Group (the Working Group) and its members.

Background

The Dune Lakes Galaxias (*Galaxias sp.*) (hereafter referred to as the DLG) is found only in the Kai Iwi Lakes and there are fears its population is declining. In response to this problem, Te Kuihi, Te Roroa, Kaipara District Council (KDC), Northland Fish and Game Council (Fish and Game), Northland Regional Council (NRC), NorthTec and the Department of Conservation (DOC) have formed the Working Group. The members of this group are making a co-ordinated effort to better understand the DLG, its ecology, interactions with other species and what management actions will be successful in promoting its survival.

Issues

The Working Group held its most recent meeting on 21 June 2018. The notes of this meeting are attached (**Attachment 1**). A summary of the work being undertaken by the Working Group is as follows:

- **Seasonal study of trout diet.** Fish and Game is continuing to undertake a study into how the diet of trout in the Lakes varies between seasons and in different aged fish. This will help to understand what impact the trout are having on the DLG and wider ecosystem.
- **Tuna (eel) monitoring.** Fish and Game is continuing to regularly survey the tuna population in Lake Taharoa and Lake Waikare. This helps to better understand these species and the role they play in the Lakes' ecology.
- **Review of the Department of Conservation's spotlight monitoring method.** To date, the primary method of monitoring the abundance of DLG has been for DOC staff to visit a selection of sites around Lake Taharoa and Lake Waikare at night and use a spotlight to count the number of DLG visible at those sites. Looking back over the data set, it is currently difficult to identify trends in the population of DLG. The numbers of DLG seen varies considerably between surveys. This makes it unclear if the DLG is a species which experiences considerable population fluctuations from year to year or if the survey method is inaccurate.

DOC is going to undertake a review of the surveying methodology to better understand its effectiveness and how it can be improved. Further analysis of the dataset will also be undertaken in the hope of identifying population trends.

Ultimately the Working Group wants to be able to accurately assess if the DLG population is thriving, surviving or declining. This will enable the Working Group to assess what effect any changes in management regime have on this species (e.g. if removing trout results in an increase or decrease in the DLG population).

- **Trout Experiment.** Uncertainty remains over if the presence of trout in the Lakes is beneficial or detrimental to the DLG. While it is known that trout eat DLG, it is suspected that their presence in the Lakes also suppresses the population of Gambusia. Gambusia are also a threat to the DLG. The Working Group is exploring the possibility of undertaking an experiment to address this uncertainty. Two options currently being considered are;
 - Remove trout from Lake Waikare and monitor the effects on both DLG and Gambusia. The last time this experiment was undertaken a boom in the number of Gambusia was observed coupled with a decline in DLG. However, it was not clear if this was a consequence of the trout being removed or of that year having a particularly hot summer (Gambusia thrive in warm conditions). The experiment needs to be better designed to be conclusive; and
 - Release trout into Lake Kai Iwi and monitor the effects on the Gambusia population. As there are no DLG present in this lake, this option would not pose a risk to the DLG.

The Working Group is continuing to investigate the viability of such an experiment.

- **Translocating DLG.** The Working Group is investigating the possibility of establishing a new population of DLG in another lake where they would be safe from trout and Gambusia. That way, if the population of DLG in Lake Taharoa or Lake Waikare were to crash, there would still be a surviving population elsewhere. The Working Group is continuing to investigate this.
- **Otolith study.** The Working Group is preparing to commence a study which uses otoliths (a bony structure in the ear/gill of the fish) to identify the population age structure of DLG and when they spawn. However, before this study can begin, DOC needs to get ethics approval. This is a separate process to getting approval from the Committee as the administering body of the Taharoa Domain under s50 of the Reserves Act 1977 (as was given at the 10 May 2018 Committee meeting). The request for ethics approval will be heard by DOC's Ethics Committee in August 2018. It is hoped that work on this project can commence soon after that. Until then, planning and preparations are continuing with DOC, NorthTec, Fish and Game and Te Roroa working collaboratively.
- **Gambusia studies.** NorthTec is continuing to undertake studies into the Gambusia population in the Lakes. This includes looking at the different habitats they use and depths to which they are found, including comparing behaviour between lakes with trout and Lake Kai Iwi (which has no trout). Their findings are useful to better understand this pest fish and to support the other studies the Working Group is undertaking.
- **Gambusia control.** Gambusia are present in all three of the Kai Iwi lakes. Finding a cost-effective method to control their numbers is highly desirable. However, Gambusia are a difficult species to control and are considered impossible to eradicate. The Working Group has identified that none of the participating organisations have the resources at this time to further explore Gambusia control. NorthTec will invite students to take this up as a project, however there is no guarantee that a student will want to further this project.

Factors to consider***Community views***

The work of the Working Group represents progress towards protecting a threatened species and is therefore likely to be supported by the community.

Policy implications

The Working Group is progressing a series of actions agreed under the Dune Lakes Galaxias Monitoring Strategy which was endorsed by the Committee on 10 August 2017. The Monitoring Strategy is the fulfilment of an action under the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (RMP). It contributes to Aim 3 of the RMP: "Complete knowledge about Kai Iwi Lakes will enable effective protection and enhancement of its natural environment and pristine waters."

Financial implications

There are no financial implications for Kaipara District Council.

Legal/delegation implications

There are no legal implications.

Next step

The Committee will continue to be kept informed of the Working Group's progress.

Attachments

- Kai Iwi Lakes Dune Lakes Galaxias Working Group meeting notes 21 June 2018

Meeting Notes

Kai Iwi Lakes Dune Lake Galaxias Working Group

Date : Thursday 21 June 2018
Time : 9:32am start, concluded at 11:43am
Venue : Kauri Coast Department of Conservation Office, Dargaville

Attendance

Will Trusewich	Northland Regional Council
Tom Drinan	Department of Conservation
Andrew Knock	Department of Conservation
Matthew Calder	Department of Conservation
Rudi Hoetjes	Northland Fish and Game Council
Ric Parore	Te Kuihi
Mark Schreurs	Kaipara District Council
Tanya Cook	NorthTech
Taoho Patuawa	Te Roroa

Apologies

Snow Tane	Te Roroa
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Karakia

Andrew welcomed everyone and opened the meeting with a karakia at 9:32am.

Monitoring methods

An action of the 23 March 2018 meeting was for the Department of Conservation (DOC) to increase their spotlight surveying of Dune Lake Galaxias (DLG) over the suspected spawning period in the hope of recording a spawning event. This spotlighting has been successfully undertaken. While a spawning event was not recorded, the data collected nonetheless adds to an ongoing data set which stretches back over a decade. DOC will do some more spotlighting soon, as the lake levels will have risen with recent rain.

DOC tabled some graphs of their recent findings from surveys on 02 May 2018 and 22 March 2018. Their findings over the years show considerable variability in DLG numbers between surveys. However it is unclear if this represents fluctuations in the DLG's population or in the success of detecting them during surveying. Wind has a big effect on the ability to see the fish making surveying highly weather dependant.

There was some discussion over the methodology of the spotlight surveying. The current method is to walk along the shore at night with a spotlight and count the number of DLG at three sites in Lake Taharoa and three sites in Lake Waikare. The same sites are always visited in the same order

and each is surveyed twice in each night to increase the robustness of the study. This method is non-invasive and reasonably low cost. However it is only semi-quantitative and is limited to the shallows/near shore environment. It fails to capture any fish which may be deeper in the lakes.

There are still many questions around the accuracy of this method. Variables such as water temperature, phase of the moon etcetera may all affect where in the lake the fish are present. It was even suggested that the higher numbers of DLG seen in Lake Waikare compared to Lake Taharoa may be because Lake Waikare is always sampled later at night than Lake Taharoa.

It was suggested that doing one pass instead of two would allow more sites to be monitored without the need to increase resourcing. There was some support for this however it was noted that this method has been used consistently for over a decade and there is value in continued consistency. It was suggested a statistical test should be done to see if there is a significant difference between the findings of the first pass and the second pass.

It was noted that all the present survey sites comprise open sandy areas of shallow lake bed rather than vegetated areas. There was a desire to include some vegetated sites as well, particularly if spawning is to be witnessed. It was considered that the Sin Bin area of Lake Taharoa should also be included.

DOC stated they would like to put more resources into this monitoring if they can find money in their budgets. It should be noted that NorthTec is also assisting with this monitoring and Te Roroa has been involved as well.

It was suggested that the methodology of DOC's monitoring programme should be reviewed and the programme expanded if possible. It was also suggested that input be sought from Eleanor Gee of NIWA regarding her thoughts on the methodology.

It was asked if the surveying undertaken to date was sufficient to accurately estimate the abundance of the DLG's population and trends over time. Ultimately we want to know if this species is thriving, surviving or declining and what effects different management actions have on its well-being.

To date, analysis of the data has not been able to show any clear trend. It was suggested that further analysis of this data set is needed. The many variables affecting fish detection (such as water temperature, phase of the moon, the weather etcetera) mean that a more detailed analysis of the data is needed to look at fluctuations not just over time, but in relation to other variables as well.

It was raised that an independent statistician had offered to analyse the dataset. DOC asked if the Group had any reservations sharing the dataset with external parties.

Consensus: the Group is happy for this dataset to be shared with external parties.

Actions:

- **DOC will review the survey methodology (number of sites etcetera) and what resources they can allocate to expanding the programme. They will work with NorthTec on this project.**
- **DOC will map the distribution of vegetation/habitats in the lakes and use this information to plan which additional sites should be monitored.**

- **DOC will work with external parties to re-analyse the dataset in order to try and establish population trends.**

Possibility of releasing trout into Lake Kai Iwi or removing trout from Lake Waikare as an experiment.

Mark introduced this topic: There are questions over the interactions between species; DLG, trout and Gambusia. Currently there are two competing theories:

- that trout eat DLG but have little if any effect on Gambusia resulting in a negative effect on the DLG; or
- trout eat DLG but also keep Gambusia in check (possibly through interactive segregation rather than direct predation) and in doing so prevent the Gambusia from wiping out the DLG.

Mark proposed that an experiment should be considered to determine which hypotheses (if either) was correct. This would allow decisions to be made regarding management of the trout fishery to better protect the DLG. One option is to repeat a previous experiment where Lake Waikare was destocked of trout and the effects on the Gambusia and DLG populations was observed (this study had failed to prove fully conclusive due to the short timeframe over which it was undertaken). Another option was to release trout into Lake Kai Iwi and observe the effects on the Gambusia population i.e. look for any evidence of predation or interactive segregation.

Will noted that DLG, Gambusia and trout have co-existed in the lakes for decades. Therefore he does not consider there is any pressure to act quickly. Rather, we can take the time to plan any such actions carefully.

There was some discussion over how much of a problem trout pose to DLG and it was suggested that the influence of the Gambusia should not be understated.

Releasing trout into Lake Kai Iwi was considered a good opportunity to observe the effects of trout on Gambusia especially given that the trout cannot breed in the lake and have a lifespan in the lake of just two years. Furthermore, as there are no DLG in this lake, releasing trout would not do this species any harm. However, it was agreed that any experiment would need to be well-designed and supported by solid baseline data. Without this, the study could prove inconclusive and all the effort could be wasted; much as was the case with the previous study where trout were destocked in Lake Waikare.

There was some discussion over the possibility of switching from releasing rainbow trout to releasing brown trout. Brown trout have not previously been released in the lakes. Brown trout differ from rainbow trout in that they focus their hunting efforts on the littoral (near shore) area whereas the rainbow trout focus on the pelagic (open water/centre of the lake). In this way, brown trout would be more likely to catch the Gambusia which prefer to live in shallow areas. However, it is unknown what effect this would have on the DLG. At present, DLG are able to survive alongside the rainbow trout. It is not known if releasing brown trout would be better or worse for them. Furthermore, brown trout also live longer than rainbow trout; up to five years. It was suggested that brown trout be used only in Lake Kai Iwi because they would be better to control Gambusia. However, if brown trout were to be

used for this experiment, it would not be possible to apply the findings to the management of rainbow trout in the other lakes.

There was discussion over how any such experiment could be resourced and some further discussion over study design.

There was discussion on what effect eels had on the populations of DLG and Gambusia. It was suggested that eels could be a major predator of both. There was some discussion on how this could be explored through the study.

It was raised that Bruno David did some work for the Taharoa Domain Governance Committee (TDGC) looking at the interactions between Gambusia and DLG. This was done leading up to the translocation of DLG into Lake Te Riu. It was suggested that this would be good to review when designing any new study.

Actions:

- **Mark to search Kaipara District Council's archives for the Bruno David study.**
- **Rudi will co-ordinate (with support from other members of the Group) investigating the possibility of running an experiment such as that discussed above in either Lake Kai Iwi or Lake Waikare. He will report back to the next meeting regarding how feasible this would be i.e. what it would take to resource it and how it could be designed so as to give conclusive results that would be translatable to the other lakes. This will be further discussed at the next meeting.**

Possibility of translocating DLG

Establishing a new population of DLG in a lake without Gambusia was considered desirable. This would mean that there would still be a surviving population of DLG should something happen to the current surviving populations in Lake Taharoa and Lake Waikare.

It was raised that the small lake on the Greer's property (just north of Lake Waikare) could be used. To explore this opportunity further, NRC and DOC will need to continue building relationships with the Greer family and seek their approval. The next step will be to undertake a fish survey in this lake to see if there is any Galaxias or Gambusia in this lake. If the lake is found to be free of Gambusia and other pest fish, and if there is no existing Galaxias population, then investigations can proceed to look at water chemistry (which needs to be similar to that in Lakes Taharoa and Waikare) and what food is available. If the lake is found to be suitable and if the landowner is supportive, a number of DLG could then be translocated to this lake to found a new population.

Establishing a population of DLG in the absence of Gambusia and trout would also allow observations to be made on how this species population naturally fluctuates from season to season.

It was noted that the paperwork process for translocating DLG is quite lengthy.

Actions:

- **DOC and NRC will continue to build relationships with the Greer family and continue to investigate this opportunity. They will report back to the next meeting.**

- **NRC and NIWA will do a lake Submerged Plan Index (SPI) assessment on this lake in September.**
- **DOC will do a fish survey in this lake.**

Otolith study and supporting larval fish monitoring

Tom is working on getting ethics approval from DOC's ethics committee for this study. The Ethics Committee next meet in August 2018 but Tom is seeking interim approval so this project can commence sooner.

Tanya has prepared a document setting out a possible methodology for collecting DLG for this research. She is keen to receive feedback from the Group on these proposed methods.

An application has been made to the Envirolink fund to fund some of the staging for this project.

It was suggested that this study could be broadened to also look at gonad development and fecundity. Once we have a sample of DLG to extract their otoliths, there are many other studies we can do on them as well. NorthTec will keep all specimens caught to allow for further research. The key obstacle is finding/funding researchers with the time to do the additional studies.

There were some concerns over sample size. We do not want to take more DLG than are needed.

Taoho expressed an interest in this methodology and a desire to participate in this research.

Tom said he can set up a teleconference with Eimear Egaa who did her Master's thesis on this study method. She will be able to explain these methods to the Group.

Actions:

- **Tom will continue working on seeking ethics approval for the otolith research project.**
- **Tom will set up a teleconference with Eimear Egaa and those members of the group who are interested to learn more about otolith research methods.**
- **Taoho will participate in this study with NorthTec.**
- **Tanya will recirculate the methodology she has drafted for fish collection. This will be reviewed by members of the Group so they may provide her with feedback.**

There was some further discussion on methodology. In particular, the Group identified the need to co-ordinate the collecting of adult DLG by DOC and larval DLG by Fish and Game.

This study is anticipated to commence as soon as ethics approval is attained; probably August 2018.

Gambusia control

There was some discussion over the possibility of using modified gee-minnow traps or using hand nets to control the numbers of Gambusia.

The traps which KDC supplied to NorthTec had proven ineffective. Standard gee-minnow traps were more successful.

It was suggested that standard gee-minnow traps could be purchased and a trapping programme implemented. However the discussion revealed that no participating organisation is currently able to resource such a programme.

NorthTec will list Gambusia control in the Kai Iwi Lakes as a potential student project. This means that it will be available for a student to work on. However there is no guarantee that a student will want to pick this project.

Action: NorthTec to list Gambusia control in the Kai Iwi Lakes as a potential student project.

There was some further discussion on the studies NorthTec has been undertaking on Gambusia in the Lakes. They have been monitoring what parts of the lakes Gambusia utilise, including how deep they venture, among other things.

Mark asked Ric to close the meeting at 11:43am

The next meeting will be held in September 2018.

File number: 3216 **Approved for agenda** ☒
Report to: Taharoa Domain Governance Committee
Meeting date: 16 August 2018
Subject: Alcohol Control Information
Date of report: 30 July 2018
From: Paula Hansen, Policy Planner
Report purpose ☐ **Decision** ☒ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

This report contains information requested by the Taharoa Domain Governance Committee (the Committee) at its 08 February 2018 meeting. It pertains to information relevant to alcohol consumption at the Lake Waikare Events Centre (the 'Centre').

This information includes:

- 1) Options for alcohol-included functions;
- 2) Bond;
- 3) Conditions of hire, time limit, security guard; and
- 4) Other general criteria;
- 5) Possible trial period of six months; and
- 6) data on whether the revenue covers the cost of having functions (rubbish, damage).

Recommendation

That the Taharoa Domain Governance Committee receives the Policy Planner's report 'Alcohol Control Information' dated 30 July 2018 and the information contained therein.

Reason for the recommendation

For the Committee to receive information on the concerns it raised at its previous meetings and enable discussion on a way forward.

Reason for the report

To provide additional information as requested at the 08 February 2018 Taharoa Domain Governance Committee meeting. To provide the Committee options for the management of alcohol consumption at Lake Waikare Events Centre (the Centre).

Background

At its meeting on 11 December 2017, the Committee sought information around alcohol controls at the Taharoa Domain (the Domain). Information was provided to the Committee meeting of 08 February 2018 providing some answers to these questions.

Alcohol management issues at the Domain were raised again at the 08 February 2018 meeting (**Attachment 1**). This meeting requested that the issue around alcohol consumption at the Centre be brought back to the Committee for a decision at its August 2018 meeting.

Information required included options for alcohol-included functions; bond, time limit, security guard and other general criteria; possible trial period of six months; and data on whether the revenue covers the cost of having functions (rubbish, damage).

Issues

1 *What alcohol controls are currently in place at the Domain?*

There are currently no alcohol ban areas within the Domain. This means that generally people may freely drink alcohol within the Domain. However, alcohol cannot be sold or supplied within the Domain. If someone wishes to sell or supply alcohol within the Domain for a one-off event, they will be required to obtain a special licence. If it is a business wishing to supply or sell alcohol, an on-licence will need to be obtained (if the alcohol is to be consumed within a defined area e.g. at a restaurant) or off-licence (if the alcohol is to be consumed out of a defined area e.g. back at the customer's camp site).

The camp ground area is treated differently to the rest of the Domain as the camp grounds are under the direct control of the Domain Manager (the Manager), who has the authority to make and enforce rules within these areas. This allows the Manager to exert a direct level of control over acceptable behaviour within these areas. People who use the camp ground are advised when they arrive that if, in the Manager's opinion, they are intoxicated and are causing a nuisance they will be required to leave, along with their entire group. They are also advised that they can only consume alcohol at their camp site and in the camp ground.

2 *What is Council's responsibility and liability when alcohol is consumed in public places?*

In terms of responsibility and liability, Council has very little responsibility and minimal (if any) liability with regard to the general consumption of alcohol in public places. The police have the responsibility to enforce offences committed in a public place, including disorderly behaviour (whether or not it is alcohol-related) and the consumption of alcohol in a public place by unaccompanied minors. Council does however have responsibilities when licensing premises to sell and supply alcohol on any given premises.

Under the Local Government Act 2002, a level of crime and disorder needs to be present before a bylaw can even be considered. Council needs to be satisfied that there is evidence that the area has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption. This information generally comes from the Police. This means no issues, no bylaw. The bylaw is a tool to help Police stop issues associated with the consumption of alcohol from arising in areas that are experiencing problems. If Council decides to put in place a bylaw in the absence of an issue, they may run into problems under the Local Government Act 2002 and the New Zealand Bill of Rights Act 1990. The New Zealand Bill of Rights Act 1990 is about providing for the general rights and freedoms of all New Zealanders, including the right to consume alcohol in a reasonable and sensible manner.

In terms of the Domain the main issue will be around how to control alcohol consumption in the wider Domain i.e. other than the camp ground, particularly around Lake Waikare. The area around Lake Waikare is easily accessible to people and is not monitored frequently as other parts of the Domain, largely due to resourcing. The Manager has the authority to cover the whole of the Domain and

where possible try to sort issues. However, the Manager is just one person and cannot be everywhere at once. While there are additional wardens in place over the summer period, these people are not necessarily equipped to deal with the adverse behaviours associated with alcohol consumption. Also, in the age of technology, the enforcement officers are subject to the use of recordings and social media when they may take action with people causing issues.

3 *What is Council's responsibility and liability when alcohol is consumed in a Council-owned venue it has hired out? [if we allow alcohol to be consumed at the Lake Waikare Events Centre.]*

This would be no different to when Council hires out the Northern Wairoa War Memorial Hall (Dargaville Town Hall – NWWM Hall) . The NWWM Hall – Hire Request Form outlines the rules for hiring the Hall. A special licence to sell and supply alcohol is required. The special licence also establishes who will be in charge and who will be responsible for any issues associated with alcohol consumption during the time they are using the venue, this is namely the applicant. A special licence also notifies the Police that an event is happening, including the size of the event. If tickets sold to an event provide alcohol beverages, as part of the purchase of a ticket, then this is also considered to be selling alcohol.

Depending on the reason for the event, alcohol can be supplied without a special licence, such as in the case of a private function. A private function is considered to be open only to invited guests and not open to the general public, so is considered to be more controlled as it restricts access. If the function is open to the general public, then a special licence may be required.

If Council decided that a venue is to be an 'alcohol free' venue then this would be a condition of hire. This will mean that there are no exceptions, unless the rules explicitly allow for exceptions.

4 *What are the pros and cons if Council allows alcohol to be consumed at the Lake Waikare Events Centre?*

(1) Enforcement capability

The Domain is located about 20-30 minutes' drive from the closest police station located in Dargaville. If there are issues associated with the consumption of alcohol it will take some time before help arrives.

The Hirer of the Centre is the person who would be responsible to ensure guests at the venue behave themselves. Issues may arise, for example, if a guest moves from the venue and decides to stay around the Domain for a longer period to continue drinking or in an intoxicated state. This is likely to occur over the New Year period and generate problems for other users of the Domain.

Discussions with the Manager and the Police should be undertaken to consider options. This could include having a community constable situated out at the Domain over this summer period, Baylys Beach community did this approximately four to five years ago. The use of Maori Wardens is also an option.

If a major issue is identified, a bylaw to make the Domain or an area of the Domain an alcohol ban area could also be an option.

(2) Issues to consider

a) Underage drinkers

They are likely to be confined to the Centre where the Hirer will be responsible for them, as opposed to the wider Domain where anything could happen to them or others. Alternatively the opposite may happen and they wander off. If an alcohol licence was obtained then underage drinkers are unlikely to be present or intoxicated, as the licence holder would not be able to sell and supply alcohol to them as a condition of their licence.

b) Adverse behaviours

Someone in charge should be taking responsibility for intoxicated guests or guests causing problems. If they are asked to leave the venue in an intoxicated state and attempt to drive off, there is potential for accidents to occur, or if asked to leave the venue they may then proceed to cause issues elsewhere in the Domain.

c) Refuse – bottles, tins, glass

A condition of hire should include ensuring that the venue and surrounding area are left as they were found, otherwise the Hirer should be invoiced to get the refuse removed (e.g. empty bottles) or money could be taken from any bond.

d) Number of visitors / uptake of usage

There could be a significant drop in use of the Domain area if alcohol was to be banned from the Domain completely. If there was no alcohol allowed at the Centre then the use of this may also be impacted. The ability to consume alcohol may determine a person's decision on whether or not to hold an event there e.g. weddings. The Committee needs to consider what type of events they would like to promote at the Centre, for example, community events or private events. Once this is clear, this will provide a clearer direction around whether alcohol consumption at the venue is appropriate.

e) Potential outcome

If alcohol is considered appropriate at the Centre it is recommended when the venue is being hired, a special licence similar to the process for the NWWM Hall is required. This implements a formal process to ensure responsible people are available to manage the event and it would elevate the seriousness of alcohol management to the people hiring the premises. Imposing this condition when hiring the Centre should avoid any risk to Council.

What could be put in place?

Attachments 2 -8 contains a number of draft forms and checklists which can be put in place when hiring out the Centre. These include:

- Lake Waikare Events Centre– Conditions of Hire
 - Will require a bond be paid;
 - Will require a person is nominated as 'person in charge' and is responsible for orderly behaviour of guests;
 - This sets the conditions of hire and outlines any other permissions which a hirer may require;

- Can also stipulate the maximum number of people for which the venue can cater for (this may depend on the type of event being held);
- Can also stipulate the maximum number of people who can be on the deck at any one time;
- Can also stipulate other general criteria that is relevant.
- Lake Waikare Events Centre – Post-hire checklist
 - This checklist outlines the expectations in terms of what hirers need to do in order to return the Centre to an acceptable standard. This includes cleaning and taking rubbish away. It also makes it clear that if the things are not undertaken to an acceptable standard then part of the Bond may be retained.
- Lake Waikare Events Centre – Fire Safety and Evacuations Scheme
 - This form outlines how the hirer prepares for the event of a fire and what they need to do in the event of a fire.
 - Needs to confirm where a suitable evacuation area should be located.
- Lake Waikare Events Centre – Hire request form
 - This is the initial form which a hirer will fill out in order to trigger the booking process. A point for discussion is whether this form should also stipulate the maximum number of people for which the venue can cater for.
 - Do we want to request a second person (2IC) to be named as well on this form?
 - Can also stipulate a bond.
- Lake Waikare Events Centre – Bond authorisation form
 - This form allows a bond to be collected and held. The amount of bond on the form is point for discussion and agreement that this is reasonable.
- Lake Waikare Events Centre - Food temperature Record
 - This is a form to be used to ensure that food is kept at the right temperature.
- Lake Waikare Events Centre - Hirer Health and Safety Induction form
 - This form outlines some of the health and safety issues that may arise and making the hirer aware of these;
 - Do we need to stipulate the maximum number of people for which the venue can cater for?
 - Do we need to stipulate the maximum number of people who can be on the deck at any one time?
- Lake Waikare Events Centre - Kitchen hire cleaning schedule
 - This document is a checklist of the cleaning expectations of the kitchen utensils, equipment, and appliances.

These documents are based around the hiring of the Northern Wairoa War Memorial Hall (NWWM Hall). Changes and discussions points could be around appropriateness of fees and charges and conditions of hire, given the starting point of what is in place for the NWWM Hall.

Attachments

Attachment 1: 08 February Taharoa Domain Governance Committee agenda item – Alcohol Control Information

Attachment 2: Lake Waikare Events Centre– Conditions of Hire

- Attachment 3: Lake Waikare Events Centre – Post hire checklist
- Attachment 4: Lake Waikare Events Centre – Fire Safety and Evacuations Scheme
- Attachment 5: Lake Waikare Events Centre – Hire request form
- Attachment 6: Lake Waikare Events Centre – Bond authorisation form
- Attachment 7: Lake Waikare Events Centre - Hirer Health and Safety Induction form
- Attachment 8: Lake Waikare Events Centre - Kitchen hire cleaning schedule

File number: 3216/2018 bylaw **Approved for agenda** ☒
Report to: Taharoa Domain Governance Committee
Meeting date: **08 February 2018**
Subject: **Alcohol Control Information**
Date of report: 23 January 2018
From: Paula Hansen, Policy Planner
Report purpose ☐ **Decision** ☒ **Information**
Assessment of significance ☐ **Significant** ☒ **Non-significant**

Summary

At the Taharoa Domain Governance Committee (the Committee) meeting on 11 December 2017, the Committee sought information around alcohol controls at the Kai Iwi Lakes (the Domain).

The Control of Alcohol in Public Places is governed by the Sale and Supply of Alcohol Act 2012 and Bylaws to create Alcohol Control areas (alcohol ban areas) under the Local Government Act 2002.

There are currently no alcohol ban areas at the Domain which means people can freely consume alcohol within the Domain. The Domain Manager has rules in place around the consumption of alcohol for the camp ground.

Under the Local Government Act 2002 Council can only place an alcohol ban over an area if it is satisfied that there is evidence that the area has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption. The establishment of an issue generally comes from information supplied by the Police. This means no issues, no bylaw.

Council has little to no responsibility and liability when alcohol is consumed in a public place. The police have the responsibility to enforce offences committed in a public place, including disorderly behaviour (whether or not it is alcohol-related) and the consumption of alcohol in a public place by unaccompanied minors.

Council does have responsibilities though with regards to the sale and supply of alcohol, regardless of whether it is in a public place or not. If alcohol is to be consumed at a venue it has hired out, the onus is on the hirer to ensure that they have any special permissions, such as a special licence. A special licence is needed for a one-off event where the sale and supply of alcohol is to occur. The venue could be treated similar to the Northern Wairoa War Memorial Hall (Dargaville Town Hall). The application form and associated rules for the use of the Dargaville Town Hall are an example as to how this could be managed (**Attachment 1**).

Whether or not alcohol can be consumed at the venue may determine whether a person decides to hire the venue or not. This may affect the ability to hire out the venue. The Committee may wish to give further thought to the types of events/functions they would like to promote at the venue, as part of the decision-making process when deciding if the venue should be alcohol free or not.

Recommendation

That the Taharoa Domain Governance Committee receives the Policy Planner's report 'Alcohol Control Information' dated 23 January 2018 and the information contained therein.

Reason for the recommendation

So that the Committee may receive information on the concerns it raised at its previous meeting held on 11 December 2017.

Reason for the report

To provide information on the concerns the Committee raised at its previous meeting held on 11 December 2017.

Background

At its meeting on 11 December 2017, the Committee sought information around alcohol controls at the Kai Iwi Lakes (the Domain).

In particular the Committee would like to know the following:

1. What alcohol controls are currently in place at the Domain?
2. What is Council's responsibility and liability when alcohol is consumed in public places?
3. What is Council's responsibility and liability when alcohol is consumed in a venue it has hired out i.e. if we allow alcohol to be consumed at the Lake Waikare Events Centre?
4. What are the pros and cons if Council allows alcohol to be consumed at the Lake Waikare Events Centre?

The Control of Alcohol in Public Places is governed by the Sale and Supply of Alcohol Act 2012 and Bylaws to create alcohol control areas (alcohol ban areas) under the Local Government Act 2002. Any bylaws Council makes must also be consistent with the New Zealand Bill of Rights Act 1990.

Issues

1 What alcohol controls are currently in place at the Domain?

There are currently no alcohol ban areas within the Domain. This means that generally people may freely drink alcohol within the Domain. However, they cannot sell or supply any alcohol within the Domain. If someone wishes sell or supply alcohol within the Domain for a one-off event, they will be required to obtain a special licence. If it is a business wishing to supply or sell alcohol they will then be required to obtain an on-licence (if the alcohol is to be consumed within a defined area e.g. at a restaurant), or off-licence (if the alcohol is to be consumed out of a defined area e.g. back at the customer's camp site).

The camp ground area is treated differently to the rest of the Domain as these areas are under the direct control of the Domain Manager (the Manager), who has the authority to make and enforce rules within these areas. This allows the Manager to exert a direct level of control over acceptable behaviour within these areas. People who use the camp ground are advised when they arrive that if, in the Manager's opinion, they are intoxicated and are causing a nuisance they will be required to leave, along with their

entire group. They are also advised that they can only drink alcohol at their camp site and not walk around with an alcoholic drink in their hand.

2 *What is Council's responsibility and liability when alcohol is consumed in public places?*

In terms of responsibility and liability, Council has very little responsibility and minimal (if any) liability with regard to the general consumption of alcohol in public places. The police have the responsibility to enforce offences committed in a public place, including disorderly behaviour (whether or not it is alcohol-related) and the consumption of alcohol in a public place by unaccompanied minors. Council does however have responsibilities when licensing premises to sell and supply alcohol on any given premises.

Under the Local Government Act 2002, a level of crime and disorder needs to be present before a Bylaw can even be considered. Council needs to be satisfied that there is evidence that the area has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption. This information generally comes from the Police. This means, no issues, no Bylaw. The Bylaw is a tool to help Police stop issues associated with the consumption of alcohol from arising in areas that are experiencing problems. If Council decides to put in place a bylaw in the absence of an issue, they may run into problems under the Local Government Act 2002 and the New Zealand Bill of Rights Act 1990. The New Zealand Bill of Rights Act 1990 is about providing for the general rights and freedoms of all New Zealanders, including the right to consume alcohol in a reasonable and sensible manner.

In terms of the Domain the main issue will be around how to control alcohol consumption in the wider Domain i.e. other than the camp ground, particularly around Lake Waikare. The area around Lake Waikare is easily accessible to people and is not monitored as much as other parts of the Domain, largely due to resourcing. The Manager has the authority to cover the whole of the Domain and where possible try to sort issues out themselves. However, the Manager is just one person and cannot be everywhere at once. While there are additional wardens in place over the summer period, these people are not necessarily equipped to deal with the adverse behaviours associated with alcohol consumption. Also, in the age of technology, the enforcement officers are having to be aware of the use of recordings and social media distribution when enforcement officers need to take action with people causing issues.

3 *Council's responsibility and liability when alcohol is consumed in a Council-owned venue it has hired out? [if we allow alcohol to be consumed at the Lake Waikare Events Centre.]*

This would be no different to when Council hires out the Northern Wairoa War Memorial Hall (Dargaville Town Hall). The Northern Wairoa War Memorial Hall – Hire Request Form (**Attachment 1**) includes the Rules for hiring this Hall. The person hiring the venue will need to obtain a special licence to sell and supply alcohol. The special licence helps to establish who will be in charge and who will be responsible for any issues associated with alcohol consumption during the time they are using the venue, this is namely the applicant. A special licence also makes the Police aware that an event is happening, including the size of the event. If tickets are sold to an event that provides alcohol beverages, even if they do not pay for them at the event (in other words you pay for them through the purchase of your ticket) then this is also considered to be selling alcohol.

Depending on the reason for the event, alcohol can be supplied without a special licence first being obtained, such as in the case of a private function. A private function is considered to be open only to invited guests and not open to the general public, so is considered to be more controlled as it restricts access. If the function is open to the general public, then a special licence may be required.

If it is decided that the venue is a 'no alcohol' venue then this could form part of the condition when hiring. This will mean that there are no exceptions, unless the rules allow for exceptions.

4 *What are the pros and cons if Council allows alcohol to be consumed at the Lake Waikare Events Centre?*

Enforcement capability

The Domain is located about 20-30 minutes drive from the closest Police station located in Dargaville. If there are issues associated with the consumption of alcohol it will take some time before help arrives.

The Hirer is the person who would be responsible to ensure guests at the venue behave themselves. An issue may arise if a gathering that has been drinking moves on from the venue and decides to stay around the Domain for a longer period. A bigger issue would be drinking around the wider Domain area, rather than the venue, particularly over the New Year period. Discussions with the Manager and potentially the Police should be undertaken to consider options. This could include having a community constable situated out at the Lakes over this summer period, similar to Baylys Beach approximately four to five years ago, when issues were happening there. The use of Maori Wardens is also an option.

If a major issue is identified, a bylaw to make the Domain or an area of the Domain an alcohol ban area could be an option.

Underage drinkers

They are likely to be confined to the Centre where the Hirer will be responsible for them, as opposed to the wider Domain where anything could happen to them or others. If an alcohol licence was obtained then underage drinkers are unlikely to be present or intoxicated, as the licence holder would not be able to sell and supply alcohol to them as a condition of their licence.

Adverse behaviours

Again there will be someone in charge that should be taking responsibility for them. Because of the isolated areas, if they were asked to leave the venue in an intoxicated state and try to drive off, there is potential for accidents to occur, or if asked to leave the venue they may then proceed to cause issues elsewhere in the Domain.

Refuse

A condition of hire could include ensuring that the venue and surrounding area are left as they were found, otherwise the Hirer will be invoiced to get the refuse removed (e.g. empty bottles).

Number of visitors / uptake of usage

There could be a significant drop in use of the Domain area if alcohol was to be banned from the Domain completely. If there was no alcohol allowed at the events venue then the use of this may also be impacted. The ability to consume alcohol may determine a person's decision on whether or not to hold

an event there. For example someone may wish to hold a wedding at the Lake Waikare Events Centre, yet because no alcohol is allowed they will likely find another venue. However, the Committee may also want to consider what type of events they would like to promote at the Centre, for example, community events or private events. Once this is clear, this will provide the direction around alcohol consumption at the venue.

Potential outcome

If alcohol is considered appropriate within the Lake Waikare Events Centre venue, then when the venue is being hired, a special licence similar to the process for the Northern Wairoa War Memorial Hall is recommended. This allows a formal process to ensure responsible people are available to manage the event and it would elevate the seriousness of this matter to the people hiring the premises. Imposing this condition when hiring the Lake Waikare Events Centre should avoid any risk to Council.

Attachment

Attachment 1: Copy of Northern Wairoa War Memorial Hall hire application

COPY

Lake Waikare Events Centre Hire – Conditions of Hire

1 Definitions

- Council** is Kaipara District Council.
- Events Centre** is the Lake Waikare Events Centre, (Events Centre), located at Lake Waikare, Kai Iwi Lakes, Omamari Road, Dargaville.
- Hirer** is the person or organisation hiring the Events Centre. If the Hirer is an organisation, the contact person on the Hire Request Form will be nominally responsible.
- Hire Fee** is the amount invoiced to the Hirer by Council for the hire and is based on the current Fees and Charges document.
- Hire Period** is the total time the Events Centre premises are required by the Hirer including time for preparation and tidying up before and after the function.

2 General

- 2.2** Hire Fee and Bond Authorisation Form must be received in advance of the Events Centre Period unless otherwise arranged with Council staff. Failure to do so may result in cancellation of the reservation.
- 2.3** Sub-letting of any part of the Events Centre is prohibited, except with prior permission from Council staff.
- 2.4** The Hirer may cancel a reservation and receive a full refund provided that 10 working days' notice is given in writing.
- 2.5** The Hirer indemnifies Council from any liability relating to the reservation and use of the Events Centre.
- 2.6** Council reserves the right to cancel the reservation if unforeseen circumstances arise after the reservation has been confirmed.

3 Keys

- 3.1** The Events Centre keys can be collected from the Kai Iwi Lakes Camp Ground reception after receipt of Hire Fee and Bond Authorisation Form. Keys are only to be used for the purpose issued.
- 3.2** Keys can only be used by the Hirer.
- 3.3** Keys must not be copied.
- 3.4** Keys must be returned within 48 hours of the last date of use.
- 3.5** If keys are not returned within the timeframe above, \$20 will be charged for each day. This may be deducted from your bond and/or invoiced to the Hirer.
- 3.6** If keys are lost or stolen, this must be reported to the Camp Ground Manager immediately.
- 3.7** If keys are lost or stolen, a replacement cost of \$75 will be charged. This may be deducted from your bond and/or invoiced to the Hirer.

4 Recurrent reservations

- 4.1** Recurrent reservations (more than 10 reservations in a calendar year) will be subject to the premises being made available for other uses as directed by Council staff.
- 4.2** Recurrent reservations are subject to Conditions of Hire, excepting the bond. A Bond Authorisation Form may not be required at Council staff's discretion. This may depend on the type of function and past reservations.

5 Health and safety

- 5.1** The Health and Safety Induction Form must be completed with Camp Ground staff either in person or by telephone. Copies of the H&S Induction Form, and the Hazards Register will be available inside a folder in the kitchen.
- 5.2** Please ensure that all participants are made aware of their responsibilities under the Health and Safety at Work Act 2015 and that all practicable steps are taken to ensure the health and safety of all participants and others.
- 5.3** Work at height is prohibited without appropriate equipment used by an appropriately trained and/or qualified person/s with express permission from Council staff. No ladders are available or supplied to use in the Events Centre.

6 Fire safety and evacuation scheme

- 6.1** The Hirer will comply with the requirements of the Events Centre Fire Safety and Evacuation Scheme.
- 6.2** For the Hire Period, the Hirer is designated as the Building or the Floor Warden. As such, the Hirer is responsible for ensuring the building is safely evacuated in the event of an emergency.

7 Food safety

- 7.1** If the function involves the sale of food or beverages (including as a component of the ticket price), the Hirer or the caterer may be required to prepare and register a Food Control Plan under the Food Act 2014. There is a comprehensive guide to Food Control Plans on the Ministry of Primary

Industries website www.mpi.govt.nz/food-safety/food-act-2014/food-control-plans/. Alternatively you can contact Council's Health Administrator on 0800 727 059 or health@kaipara.govt.nz.

- 7.2** Hot food that is not served shortly after heating must be checked to ensure that its temperature remains above 60°C. Similarly, if cold food is kept in the fridge for a significant time, the temperature should be checked to see it is below 5°C. The Food Temperature Record is inside the Red Safety Folder in the kitchen where you can record hot or cold temperatures. There will be a thermometer available for your use. This should be thoroughly cleaned before and after each use and returned next to the Red Safety Folder. If the thermometer is lost, the Hirer will be charged \$40. This may be deducted from your bond and/or invoiced to the Hirer.

8 Smoke and drug free

- 8.1** The Events Centre is smoke and drug free. No drugs are to be brought onto or consumed on the premises. Smoking and vaping is not permitted inside any of the premises. The Hirer is responsible for ensuring this is enforced and is liable for all fines under the Smoke-free Environment Amendments Act 2003 incurred during the hire period.

9 Alcohol

- 9.1** If alcohol is being sold (including as a part of the ticket price), the Hirer will require a Special Licence. An Application Form for a Special Licence is available on Council's website www.kaipara.govt.nz, under 'A-Z forms' or from Council's Licensing Team on 0800 727 059 or kdclicensing@kaipara.govt.nz.
- 9.2** When there is no alcohol being sold, the Hirer may serve alcohol at the function without a Special Licence if the function is a genuine private social gathering for invited guests only.

10 Noise control

- 10.1** The Hirer is responsible for noise management throughout the Hire Period. In the event of an offence being committed against either the Noise Control Act 1982 or any Kaipara District Bylaw 2008 relating to noise control, the Hirer will be responsible for any infringements and fines.
- 10.2** Noise Control Officers have the authority to enter any Council facility including the Events Centre to issue infringement notices or seize sound equipment.

11 Copyright

- 11.1** The Hirer is responsible for any fees that may be claimed by and held to be payable to the Australasian Performing Rights Association or similar.

12 Floor markings

- 12.1** Only approved 'Sellotape code 7503 marking tape' is to be used on the floor surface.
- 12.2** Floor markings must be removed fully at the completion of hire.

13 Hirer's property

- 13.1** All property belonging to the Hirer, including decorations and wall fixtures, must be removed from the Events Centre by the end of the Hire Period unless otherwise arranged with Council staff.
- 13.2** Disposal or relocation of the Hirer's property may result in extra charges being applied to the Hirer in the form of retention of the bond and/or an additional invoice.
- 13.3** Council accepts no responsibility for the safe custody of the Hirer's property and all insurance cover for such property is the responsibility of the Hirer. This includes any rented or hired equipment or items by the Hirer.

14 Furniture and equipment

- 14.1** Council has tables, chairs and other furniture available for use inside the Events Centre. If used, these must be returned to their original positions and neatly stacked in the storage areas provided.
- 14.2** Any damage to this equipment, whether this equipment is hired or not, may incur extra charges being applied to the Hirer in the form of retention of the bond and/or an additional invoice.
- 14.3** Council has cutlery and crockery available for use inside the kitchen. If used, these must be cleaned and returned to their original positions.
- 14.4** Please be advised that there are limited items of furniture, equipment, cutlery and crockery available. Council advises the Hirer to consider this when organising their function. The Hirer may arrange to do an inspection prior to the function by arrangement with the Kai Iwi Lakes Camp Ground staff.

15 Loss or damage to Council property

- 15.1** The Hirer is responsible for any damage to or loss of Council property including damage to the premises or loss of equipment that is incurred during the Hire Period.
- 15.2** Any loss of or damage to Council property must be reported to Council staff at the earliest opportunity.
- 15.3** Any loss of or damage to Council property will result in extra charges being applied to the Hirer in the form of retention of the bond and/or an additional invoice.

16 Cleaning up and rubbish

- 16.1** After the function, the Hirer must return the Events Centre to its original condition. If this is not done properly, extra charges may be applied to the Hirer in the form of retention of the bond and/or an additional invoice. Please refer to the Post-Hire Checklist or contact Council staff for instructions.
- 16.2** If the kitchen is used, the cleaning schedule must be followed. If additional cleaning is required to return the kitchen to its original condition, cleaning fee may be deducted from the bond or invoiced to the Hirer.
- 16.3** All rubbish must be taken off the premises.

17 Security

- 17.1** The Hirer is responsible for the conduct of the function and persons at the function inside and outside the premises. Organisers are reminded that they have the right to refuse admission to any person.
- 17.2** The Police, Council's security contractor or Council staff have the authority to close any function at the Events Centre, where it is considered that there is the likelihood of damage to property or the likelihood of a public disturbance.
- 17.3** After the function, the Hirer must secure the facility against theft and weather damage. If this is not done properly, extra charges may be applied to the Hirer in the form of retention of the bond and/or an additional invoice. Please refer to post-hire checklist or contact Council staff for instructions.
- 17.4** If the Events Centre keys are lost or stolen, the Hirer must inform Council as soon as possible.

18 Admission of authorities

- 18.1** Council staff and emergency services must have admission to the premises at all times. Special conditions
- 18.2** In addition to these Conditions of Hire, special conditions may also apply to the individual Hirer as discussed and arranged prior to the Hire Period. Such special conditions will be in writing and will be signed by the Hirer and attached to this document.

19 Contravention of conditions

- 19.1** Contravention of any Conditions of Hire may result in the Hirer being prohibited from further use of the facility and Council reserves the right to order any function to cease forthwith upon notice of evidence of such contravention having been given during the Hire Period.

20 Disputes

- 20.1** In the event of any dispute or difference arising as to the interpretation of these conditions, or as to any matter or thing therein contained, or as to the meaning of any of these conditions, the decision of the Administration Manager thereon shall be final and conclusive. Any hiring of any kind shall be subject to terms and condition herein of which it shall be taken that the Hirer is aware.

21 Amendments to conditions of hire

- 21.1** Council reserves the right to amend Conditions of Hire and charges from time to time without notice.

Lake Waikare Events Centre post-hire checklist

After your function, you need to return the Centre to its original condition and close up. If this is not done properly, you may incur extra charges in the form of retention of your bond and/or an additional invoice. This checklist is to assist you in avoiding this.

Tidying up <ul style="list-style-type: none"> <input type="checkbox"/> Council chairs and furniture returned to their original locations <input type="checkbox"/> Emergency exit left clear <input type="checkbox"/> No tape, staples or other fixtures are left on walls or floors <input type="checkbox"/> Wipe all surfaces; benches, tables, chairs etcetera <input type="checkbox"/> Vacuum <input type="checkbox"/> Mop if necessary <input type="checkbox"/> All rubbish is taken away
If kitchen was used <ul style="list-style-type: none"> <input type="checkbox"/> Any Council appliance, crockery or cutlery is cleaned and returned to their original locations <input type="checkbox"/> Any non-Council appliance, crockery or cutlery is taken away <input type="checkbox"/> No food or any perishables are left (Note: please check fridges and ovens) <input type="checkbox"/> All appliances are turned off at the walls <input type="checkbox"/> All taps are turned off <input type="checkbox"/> All rubbish is taken away
Closing up <ul style="list-style-type: none"> <input type="checkbox"/> All Council appliances are turned off, including the air conditioning unit <input type="checkbox"/> All windows are closed <input type="checkbox"/> Lock all doors <input type="checkbox"/> All lights are turned off, except in foyer

Please note that you will be required to supply your own cleaning products and equipment.

If you require assistance telephone the Domain Manager Kai Iwi Lakes on 09 439 0986 or email at lakes@kaipara.govt.nz

Thank you for hiring the Centre, we appreciate your patronage. If you would like to give us feedback, please email us at lakes@kaipara.govt.nz

Lake Waikare Events Centre – Fire Safety and Evacuation Scheme

Pursuant to Section 7 of the Fire Safety and Evacuation of Buildings Regulations 2006, the Hirer must follow evacuation procedure provided by Council and ensure that every person follows that procedure.

For the Hire Period, the Hirer is designated as the Building.

The Hirer may designate others as Fire Warden/s to assist. We recommend designating at least one other Fire Warden.

Building/Fire Wardens must:

- be easily identifiable (arm bands are inside the Red Safety Folder in the kitchen);
- ensure that Hall users are aware of exits and the Assembly Point in the event of a fire (refer to attached map for location); and
- be aware of the locations of fire alarms and firefighting equipment (please refer to the attached map).

If the fire alarm is activated or the building needs to be evacuated for any reason (e.g. gas leak, chemical spill), ensure that everyone in the Events Centre follows the direction of the Building Warden and exits the Events Centre in an orderly fashion to the Assembly Point.

The **Building Warden** should stand outside, at the front of the building, meet emergency services and forbid any member of the public from entering the Hall. The **Fire Warden** should ensure that evacuees remain at the Assembly Point.

Once emergency services are on the scene, please pass on any relevant information and follow their instructions.

Building Warden:

Name/s: _____

Fire Warden/s:

Name/s: _____

Building Assistance Register

If there is any person attending who may require assistance in an evacuation, the Building Warden should update the Building Assistance Register below. The Building Warden is to be aware of likely location/s and type of assistance required.

Date	Likely locations	Type of assistance required	Person assigned to assist

Important

Do not cover or screen the fire exits in any way. They must be visible at all times.

We recommend that you read this form thoroughly, fill in any necessary parts and place it inside the Events Centre during the Hire Period for reference. If required, extra copies are available inside the Red Safety Folder inside the kitchen.

If you have any queries, please contact Council on 0800 727 059 or email Lakes@kaipara.govt.nz

Telephone

Fire, police, ambulance

111

Kaipara District Council

0800 727 059 (outside of office hours, this number will be re-directed to Council's after hour service, who will contact the appropriate Council staff)

Lake Waikare Events Centre Hire – Fire Safety and Evacuation Map

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Lake Waikare Events Centre – Hire Request Form

An invoice will be sent to you within 10 working days of the receipt of this form pending availability.

Receipt of this form and the Bond Authorisation Form will finalise the reservation.

1 Hirer	
Contact person name	
Organisation	
Telephone number	
Email	
Postal address	

2 Function	
Date	
Time	
Purpose	

3 Will the function include a cash bar, or is alcohol included in the ticket price?	
<input type="checkbox"/> Yes (go to 4)	<input type="checkbox"/> No (go to 5)

4 Special Licence	
You require a Special Licence ⁺ . Please state the licence number and the name of the licence holder. You can provide this information later, but you must do so <u>before</u> the function.	
Licence number	
Name of licence holder	

⁺ You can apply for a Special Licence from Kaipara District Council. Application form for a Special Licence is available on Council's website www.kaipara.govt.nz, under 'A-Z forms' or from Council's Customer Services Team on 0800 727 059.

5 Please tick one (this will affect the hire fee, please refer to the overleaf)		
<input type="checkbox"/> Private or Profit-Making	<input type="checkbox"/> Community group	<input type="checkbox"/> Social Service or Voluntary

I confirm that I have received and will comply with the following documents:

- ☐ Conditions of Hire (for your reference only)
- ☐ Fire Safety and Evacuation Scheme (for your reference only)
- ☐ Bond Authorisation Form (please complete and return to Council)
- ☐ Health and Safety Induction Form (please complete with Council staff)

Signature _____ Date _____

* Please see overleaf for the *Fees and Charges 2018/2019* for hire fee information and other important information to consider before making this hire request.

Fees and Charges 2018/2019

Lake Waikare Events Centre Hire Costs

	Private/profit-making rate	Community group rate	Social service/voluntary rate
Whole Facility	\$380 per day OR \$80 per hour	\$180 per day OR \$50 per hour	\$80 per day OR \$20 per hour

Hirers will be invoiced directly for any damage and cleaning costs. A Bond Authorisation Form with a cheque or credit card information for \$400 (for whole facility) or \$200 (for partial use) will be required for most hirers.

These fees and charges can be varied at the discretion of Council for exceptional circumstances.

For more information, please contact the Taharoa Domain Camp Ground Lakes@kaipara.govt.nz

1 Definition of Private or Profit-Making

- Any private function, not open to the public.
- Any function or activity run for the profit of a business, private individual, family or Family Trust or firm.
- Any Government department.
- All Churches and political parties, union or employer organisations.

2 Definition of Community Group

- All non-profit-making groups; all income used for groups aims.
- Be open to all members of the target community without restriction of religious or political belief.
- All groups operating a service or activity beneficial to the community; providing a recreation, cultural or community service or activity.
- Schools from within local area / District boundaries.
- Have no other source of income other than members' fees, fundraising and grants.

3 Definition of Social Service and Voluntary

Those groups which primarily exist to provide social services to address particular needs in the community.

Those groups which primarily exist to provide a co-ordinating function for a number of common interest community groups, working in partnership with Council. Examples include: Youth Aide, Blue Light, OSCAR, Regional Sports Trusts, Blood Donor Collection, Mental Health, Shared Vision, Council's Health Forum and Youth Forum.

Activities and functions organised by partners in conjunction with Council's projects and / or programmes.

4 Council Reserve of Rights

Council reserves the right to amend Charges, Hire Guidelines and Conditions of Hire from time to time without notice.

The status of some groups or organisations can change depending on the project, programme or activity requiring facilities. Council reserves the right to decide which rate type is applicable on the merits of any such applications.

Example: A Church wanting to run a youth event for the benefit of local youth or community open to all, any fees charged are to cover costs or for the benefit of the community and not as profit, is different to the same Church wanting to hire facilities for their Church services or run house.

Lake Waikare Events Centre Hire – Bond Authorisation Form

This form should be delivered to Council reception or posted to Kaipara District Council, Private Bag 1001, Dargaville 0340. Please do not email this form for security reasons. Once received by Council, this form will be held in a safe. If retention of bond is not required, cheque or credit card details will be destroyed within 10 working days after your hire period.

Bond will **only** be retained (cheque will not be banked/credit card will not be charged) unless there is:

- Damage to Council property;
- Loss of Council property; and/or
- Further cleaning required to return the Hall to its original condition.

Retention of the bond does not exclude the possibility of an additional invoice if the maximum bond amount is insufficient.

Contact person name: _____

Event date and time: _____

- ☐ I authorise Kaipara District Council to use my cheque or credit card as bond for the above hire for the maximum amount of **\$400.00**;
- ☐ I have attached a signed cheque **or** a legible photocopy of my credit card (front and back); and
- ☐ I agree with the *Lake Waikare Events Centre – Conditions of Hire*.

Name on cheque or credit card: _____

Signature: _____

Contact telephone number: _____

Postal address: _____

Office use only	
Receipt date	
Document destruction date	
Invoice required (if yes, send to Revenue)	Yes/No
Amount	\$
GL Code	

Lake Waikare Events Centre Hire – Hirer Health and Safety Induction Form

The Hirer must complete Section 1 of this form to disclose any hazards. Depending on the disclosure, Council may ask further questions regarding how certain hazards will be managed. Council expects all hazards to be managed so that the health and safety risk to all participants is acceptably low or eliminated.

Council staff will then take you through the induction in Section 2. We advise that you take some time to go through the Health and Safety Induction on the Centre premises, where Council staff can give you clearer, visual instructions as well as some tips and tricks on having a successful event. If this is not possible, a telephone call should be arranged with the Administration Team.

Section 1: for the Hirer to complete (tick yes or no)	Yes	No	See guide (on overleaf)
In the course of the Hire Period, will any participant:			
Use 240 volt tools or appliances?			1
Create any noise greater than 85Db?			2
Create any fire risk?			3
Work over height greater than 2m?			4
Please disclose any other hazards that may be significant:			

Hirer name _____

Signature _____

Date _____

Section 2: Induction with Council staff	✓
Contact telephone numbers	
Fire Safety and Evacuation Scheme (and Assembly Point)	
Location of the Hazards Register, MSDSs and copy of the Evacuation Scheme	
Locations of firefighting equipment	
Exits and entrances	
Toilets, cleaning cupboard and rubbish	
Notes:	

Staff name _____

Date _____

Guide to Common Hazards

- 1 All electrical tools and appliances must be in good repair, preferably with a test tag and an RCD. Leads must be kept clear from foot traffic areas.
- 2 Prolonged noise over 85 decibels may cause damage. To approximate, over 85 decibels is when you have to raise your voice to communicate to a person standing one metre away.
- 3 Open flame is strictly prohibited inside the Hall. If there is any risk of fire, you can reduce the risk by having a dedicated watch person, placing an appropriate fire extinguisher nearby and removing combustible materials away.
- 4 No open fires are allowed anywhere on the Domain.
- 5 Work at height is strictly prohibited without appropriate equipment used by appropriately trained and/or qualified person/s with express permission from Council staff. No ladders are available or supplied to use in the Events Centre.

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Lake Waikare Events Centre – Kitchen Hire Cleaning Schedule

If additional cleaning is required to return the kitchen to its original condition, cleaning fee may be deducted from the bond or invoiced to the Hirer. Some cleaning equipment is available in the kitchen for your use. All rubbish must be taken off the premises at the end of the hire period.

Items and areas to be cleaned	Frequency	Method of cleaning	Who is responsible
Cutlery and crockery	After each use	Hot water and dish wash detergent	Hirer
Countertops and other surfaces	At the end of the hire period	Disinfectant spray and cloth	Hirer
Used appliances	At the end of the hire period	Disinfectant spray and cloth	Hirer
Sinks	At the end of the hire period	Disinfectant spray and cloth	Hirer
Floor	At the end of the hire period	Swept and mopped or vacuumed	Hirer
Rubbish	At the end of the hire period	Taken off the premises	Hirer

Closure

**Kaipara District Council
Dargaville**