



Far North District Council



AGENDA

REGULATORY AND ENVIRONMENT COMMITTEE

**COUNCIL CHAMBER
MEMORIAL AVENUE
KAIKOHE**

THURSDAY 25 AUGUST 2016

COMMENCING AT 11:00 AM

Committee Membership

Chairperson

Ann Court

His Worship the Mayor John Carter

Councillors

John Vujcich

Willow-Jean Prime

David Collard

FAR NORTH DISTRICT COUNCIL
REGULATORY AND ENVIRONMENT COMMITTEE
THURSDAY 25 AUGUST 2016 COMMENCING AT 11:00 AM IN THE
COUNCIL CHAMBER, MEMORIAL AVE, KAIKOHE
A G E N D A

Item

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer (Acting) or the Team Leader Governance Support (preferably before the meeting).

It is noted that while Members can seek advice the final decision as to whether a conflict exists rests with the Member.

2.0 CONFIRMATION OF PREVIOUS MINUTES

Document number A1757782

3.0 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP

3.1 Proposed Pou Herenga Tai - Twin Coast Cycle Trail Bylaw 2016

Document number A1748485

4.0 DISTRICT SERVICES GROUP

4.1 Dog Control Act 1996 - Annual Report

Document number A1758990

4.2 Proposed Draft Dog Control Bylaw and Dog Policy

Document number A1742510

4.3 Appointment of Independent Hearing Commissioners (RC2160340RMALUC)

Document number A1755070

5.0 STRATEGIC PLANNING AND POLICY GROUP

5.1 Hearing Panel Recommendations on Submissions to Proposed Plan Change 18 - Genetically Modified Organisms

Document number A1752642

5.2 Freedom Camping Update

Document number A1754105

6.0 CORPORATE SERVICES GROUP

6.1 Committee Information Reports
Document number A1757783

7.0 CHAIRPERSON'S REPORT
The Chairperson may provide a verbal report.

8.0 CLOSE OF MEETING

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: CONFIRMATION OF PREVIOUS MINUTES

Author: Aisha Huriwai - Meetings Administrator

Date of report: 12 August 2016

Document number: A1757782

Executive Summary

The minutes are attached to allow the Committee to confirm that the minutes are a true and correct record of the previous meeting.

Recommendation

THAT the minutes of the meeting of the Regulatory and Environment Committee held 14 July 2016 be confirmed as a true and correct record.

1) Background

Local Government Act 2002 Schedule 7 Section 28A states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) Discussion and options

The minutes of the meeting are attached.

Far North District Council Standing Orders Section 3.17.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

3) Financial implications and budgetary provision

There are no financial implications or the need for budgetary provision.

4) Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meeting.

Manager: Caroline Wilson - Manager District Administration Services

Attachment 1: Regulatory and Environment Committee Minutes - 14 July 2016 -
Document number A1750359

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Not applicable.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	None
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Yes
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	No
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	Not applicable.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	There are no financial implications or the need for budgetary provision arising from this report. The Chief Financial Officer has not reviewed this report.

**MINUTES OF THE MEETING OF THE REGULATORY AND ENVIRONMENT COMMITTEE
HELD IN THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE ON THURSDAY
14 JULY 2016 COMMENCING AT 11:00 AM**

PRESENT

Ann Court Chairperson
John Carter His Worship the Mayor (from 11:10 am till 11:30 am)

Councillors

John Vujcich
Willow-Jean Prime

IN ATTENDANCE

Sally Macauley Councillor
Di Maxwell Councillor (from 12:00 pm)
Lawrie Atkinson Chairperson Te Hiku Community Board
Doug Turner Member Bay of Islands-Whangaroa Community Board

APOLOGIES

Dave Collard Councillor

STAFF PRESENT

Dean Myburgh General Manager - District Services Group
Bill Lee Acting General Manager - Strategic Planning and Policy Group
Lynley Newport Manager - Resource Consents
Greg Wilson Manager - District Planning
Louise Wilson Policy Planner
Neil Miller Policy Advisor
Andrew McPhee Senior Policy Planner
Simon Millichamp Facilities Technical Officer
Aisha Huriwai Meetings Administrator

1.0 DEPUTATION

Item 2.0 of the agenda refers.

Messieurs Peter Hendl and Vince Burton spoke to a booklet, tabled at the meeting.

Reason for the resolution

To formally thank Peter Hendl and Vince Burton for the time and effort in putting together a presentation to provide an insight to the Regulatory and Environment Committee regarding Kerikeri Growth from a Real Estate perspective.

Resolved Court/Vujcich

THAT Mr Peter Hendl and Vince Burton be thanked for their quality presentation to the Regulatory and Environment Committee.

Carried

2.0 APOLOGIES AND DECLARATIONS OF INTEREST

Item 1.0 of the agenda refers.

Reason for the resolution

The Committee may grant leave of absence to a member from a meeting upon application by the member. If a member had not obtained a leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the Committee. Acceptance of the apology shall be deemed to be granting a leave of absence for that meeting.

Resolved	Court/Vujcich
<i>THAT the apology from Councillor Collard and His Worship the Mayor be noted and accepted.</i>	
Carried	

There we no declarations of interest.

3.0 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 3.0, document number A1737079, pages 1-5 refers.

Reason for the resolution	
To confirm the minutes of the previous Regulatory and Environment Committee meeting as a true and correct record.	
Resolved	Court/Vujcich
<i>THAT the minutes of the meeting of the Regulatory and Environment Committee held on 02 June 2016 be confirmed as a true and correct record.</i>	
Carried	

4.0 STRATEGIC PLANNING AND POLICY GROUP

4.1. Proposed National Policy Statement on Urban Development Capacity

Agenda item 4.1, document number A1733948, pages 7-59 refers.

A final copy of the submission was tabled.

Reason for the resolution	
The report has been prepared to inform the Regulatory and Environment Committee on the draft NPS-UDC and the associated submission prepared by Council staff.	
Resolved	Court/Prime
<i>THAT the Regulatory and Environment Committee makes the following recommendation to Council:</i>	
<i>THAT Council retrospectively endorses the submission to the Ministry for the Environment (MfE) on the Proposed National Policy Statement for Urban Development Capacity.</i>	
Carried	

5.0 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP

5.1. Adoption of Controls Under the Solid Waste Bylaw 2016

Agenda item 5.1, document number A1734077, pages 61-106 refers.

Reason for the resolution	
The purpose of the Solid Waste Bylaw 2016 is to manage the problem of waste in the Far North District efficiently and effectively. The proposed Controls give effect to the provisions of the Bylaw which came into effect on 01 June 2016.	
Resolved	Court/Prime
<i>THAT the Regulatory and Environment Committee makes the following recommendation to Council:</i>	
<i>THAT Council adopt the Solid Waste Bylaw 2016 Controls, as amended.</i>	
Carried	

6.0 DISTRICT SERVICES GROUP**6.1. Dog Control Act 1996 - Annual Report**

Agenda item 6.1, document number A1727954, pages 107-110 refers.

Reason for the resolution

To inform the public and comply with the Dog Control Act 1996 section 10A.

Resolved

Court/Prime

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council approve the Annual Report;

AND THAT a copy of the report be sent to the Secretary for Local Government;

AND THAT Council give public notice of the report by means of a notice published in the Northern Advocate.

Carried

7.0 CORPORATE SERVICES GROUP**7.1. Committee Information Reports**

Agenda item 7.1, document number A1737080, pages 111-161 refers.

Reason for the resolution

To provide the Regulatory and Environment Committee with a list of information only reports as part of the agenda as provided for in the Council resolution of 12 March 2015 thereby allowing matters arising from these reports to be discussed at the meeting if required.

Resolved

Court/Vujcich

THAT the following reports and documents entitled and dated:

a) "Monthly Reporting - Building, Resource Consents and Compliance to May 2016" 24 June 2016;

b) "District Plan Update" 14 June 2016; and

c) "Northland Strategic Irrigation Infrastructure Study Stage 1 and 2" 09 June 2016;

be noted.

Carried

8.0 CHAIRPERSON'S REPORT

Agenda item 8.0 refers.

Reason for the resolution

Under standing order 3.7.4 the Chairperson, by report, has the right to direct the attention of the committee to any matter or subject within the role of the local authority or committee respectively. The Chairperson provided a verbal report.

Resolved

Court/Prime

THAT the report entitled "Chairperson's Report" dated July 2016 be noted.

Carried

Regulatory and Environment Committee Meeting
14 July 2016

9.0 CLOSE OF MEETING

The meeting closed at 12:45 pm.

Chairperson

/ /

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: PROPOSED POU HERENGA TAI - TWIN COAST CYCLE
TRAIL BYLAW 2016

Author: Neil Miller - Team Leader Policy and Research

Date of report: 08 August 2016

Document number: A1748485

Executive Summary

The purpose of the report is to recommend the adoption of a proposed new Pou Herenga Tai - Twin Coast Cycle Trail Bylaw 2016. Work has been underway to develop the Trail, parts of which are now open. An appropriate Bylaw is integral to maintain public safety and prevent nuisance on the Trail.

Community consultation has taken place under the Special Consultative Procedure. 162 submissions were received. 10 submitters have requested to speak at hearings to be held on 15 August 2016. Further information from the Hearings will be considered before a decision is made by Council on the adoption of the proposed Bylaw.

There are several proposed changes to the Bylaw. A significant number of submitters expressed disagreement with restrictions on the exercising of dogs and horses on the Trail. It is recommended that these restrictions remain necessary, apart from by consent on specific occasions.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council adopt the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw 2016.

1) Background

The Far North District has developed a Great Ride called Pou Herenga Tai - the Twin Coast Cycle Trail. This cycle trail will run from Horeke, Hokianga Harbour on the west coast to Opuā, Bay of Islands on the east coast. Currently two sections are open and the rest of the trail is expected to open in 2016.

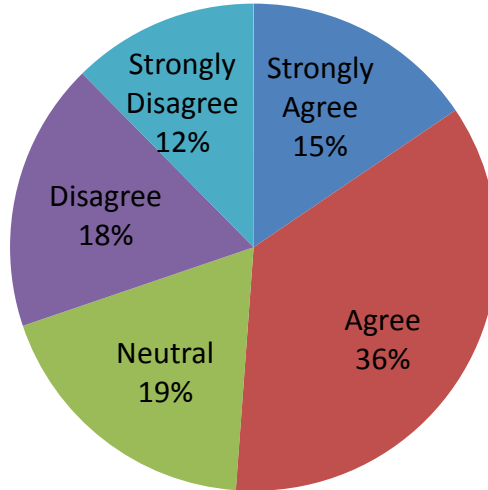
On 15 June 2016 Council resolved that a Cycle Trail Bylaw is the most appropriate way to address the problem and to consult on the proposed Draft Pou Herenga Tai - Twin Coast Cycle Trail Bylaw 2016.

162 submissions have been received and hearings are to be held on 15 August.

2) Discussion and options

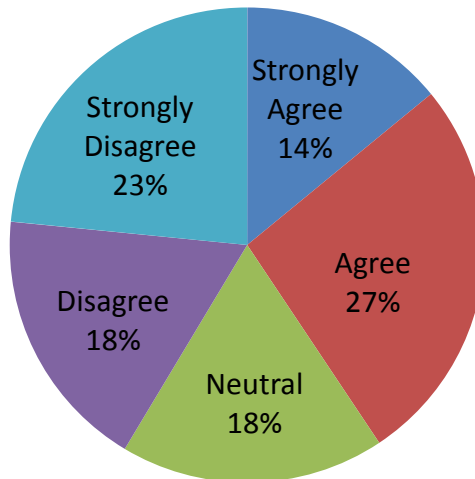
Submitters were asked to rate their level of agreement against a set of statements. That is because the research shows that the results of consultation tend to show the extremes for and against rather than the level of agreement or disagreement. Not all submitters responded to each question. The pie charts below show only the percentages for responses made (unknowns are disregarded).

Q.1 The Bylaw is likely to protect the public from nuisance, such as undesirable behaviour by users of the Trail.



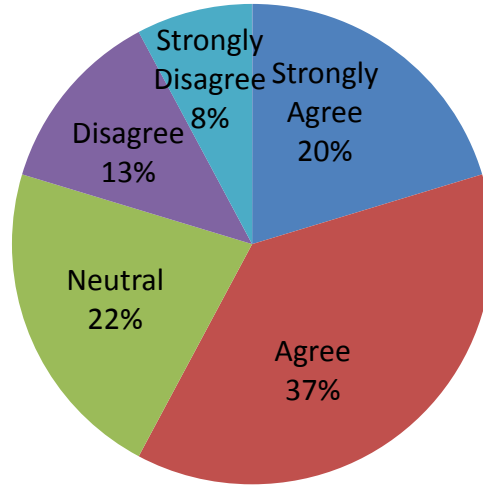
There is majority support for the Bylaw. Disagreement is correlated to those submitters who do not want to restrict the use of the trail by dogs, horses or at night.

Q.2 No Use of Trail after Sunset



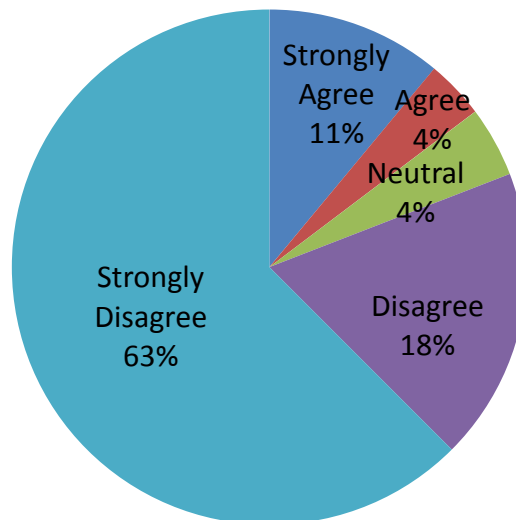
Some landowners over whose land easements have been granted do not want use of the Trail at night due to concerns about the safety and security of their property. There is also a need to ensure that Trail users are safe at all times. The responses show that a significant number of submitters would like the Trail to be available for use after dark. No change is proposed to the Bylaw because this could require the consent of landowners, which is not currently forthcoming. The use of the Trail in the dark is allowed in unforeseen circumstances (such as getting a puncture).

Q.3 Commercial activity should not be allowed on or beside the Trail.



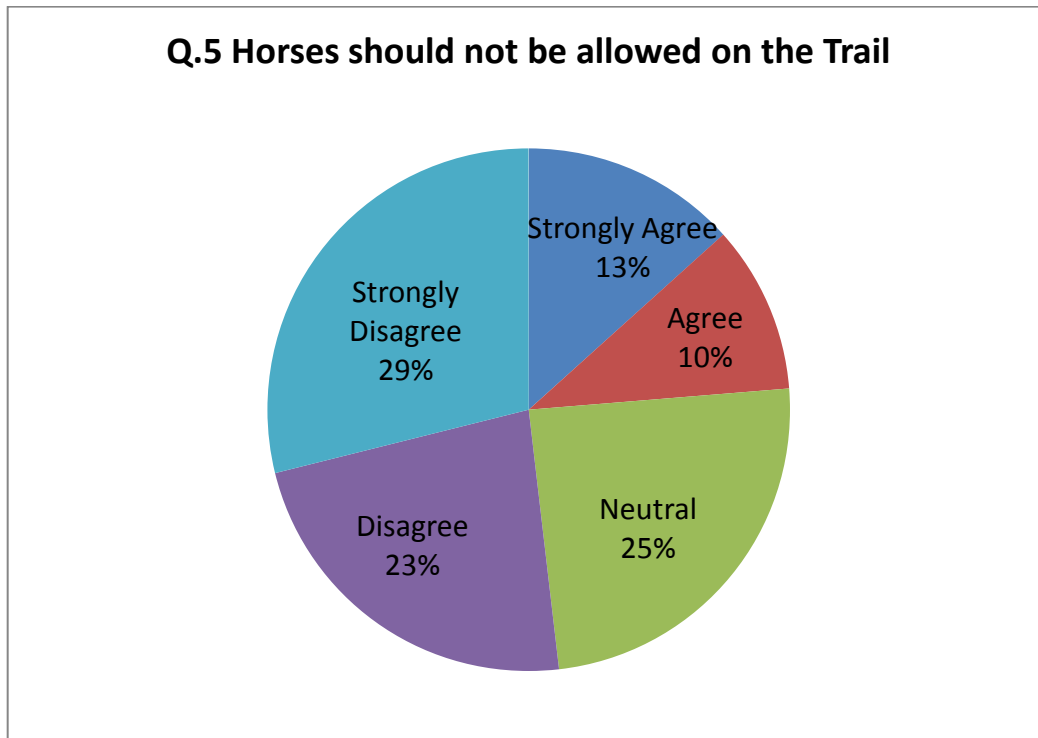
There was majority agreement by submitters for this provision. Commercial activity could potentially take place nearby to the Trail, but not directly adjacent such as to cause a nuisance to Trail users. Commercial activity may require a licence or a consent. No change is proposed to the Bylaw because this would require the consent of landowners, which is not currently forthcoming.

Q.4 Dogs should not be allowed on the Trail



There was strong disagreement by submitters to this prohibition. The Trail was not designed to be suitable for dogs. There is a conflict between dogs and cyclists on the narrow trail which may endanger the safety of both. Dogs may perceive a bike as a

threat. Currently the Trail is not fully operational and the number of cyclists is expected to increase significantly. Landowners have expressed concerns about dogs on the Trail worrying their livestock and have not agreed to allow dogs on the Trail. However, a consent process has been developed to allow for dog owners to seek permission to exercise their dog on the Trail. That would ordinarily be for one day only. There is a demand for suitable places to walk dogs and the Trail is being used for that purpose at present.



The Trail is compacted shale and horse hooves could cause pitting and damage to the surface of the Trail which could make it unusable for cyclists. There could also be conflict between horses and cyclists on a narrow Trail. Parts of the Trail include tunnels and gates that would deer or block horses. However, a consent process has been developed to allow for horse owners to seek permission to exercise their horse on the Trail. Several landowners in the Horeke area want there to be organised horse access on the Trail on 3 or 4 occasions throughout the year and that is specified as part of the Bylaw. That would ordinarily be for one day or for organised events only. This would ordinarily be when the surface is dry and less likely to be damaged. The Council could consider other areas such as 'Paper Roads' that may be suitable for exercising horses.

A submitter expressed a view that they were not consulted as part of a working party or as members of the public involved at the outset. A community governance group is to be established for the ongoing monitoring of the Trail.

A submitter expressed a view that the Bylaw map legend should state live rail corridor. The Trail crosses a range of land including rail corridor. The category of land is the relevant factor for the Bylaw, rather than if or how that land is used over time. Consistent labelling applied to all the map legends. The Bylaw is a regulatory instrument and is not designed for public information more generally.

Submissions have not been summarised for this consultation. The nature of the consultation was not of a complexity that it was felt that summaries were necessary.

Some submitters were concerned that the number of words allowed in a response to the online submission form. However, additional comments could be emailed and this will be made clearer for future consultations.

The main change to the Bylaw is the creation of a consent process for exceptions. Every person requesting consent shall apply to an authorised officer of the Council for consideration. Council will decide whether any further supporting information or any landowner's consent is required and inform the applicant accordingly. If a landowner's consent is required, Council will take steps to advise such landowner of the nature of the application and endeavour to procure a decision from such landowner. Council may in its discretion decline the application without reference to any landowner, but where it has decided that landowner's consent is required and such consent is declined, it must decline the application.

A number of other wording changes were also made to make the Bylaw as clear as possible. All the changes made to the proposed Bylaw are tracked in attachment 1.

Option 1 Adopt the proposed Pou Herenga Tai - Twin Coast Cycle Trail Bylaw 2016.

The Trail is on private land, Crown land, road reserve, and land vested under the control of the Council. The purpose of the Bylaw is to protect the health and safety of users of the trail and protect the public and adjoining landowners from nuisance. A Bylaw is a deterrent and allows Council to prosecute for serious breaches.

The Trail requires the co-operation of a large number of landowners, who have expressed an expectation that the Council enforces the responsible use of the Trail. Easements that have been developed in negotiation with some landowners make reference to the Bylaw.

The Bylaw includes provisions to help to protect landowners from nuisance, protect the safety of the public, and protect the asset. In particular the Trail is not suitable for motorised vehicles, dogs, or horses, which may endanger the safety of cyclists as well as create a nuisance for landowners.

The final Bylaw proposed for adoption is included as attachments 2 to 6 of this report.

The public submissions report is included as attachment 7. The outcome of hearings are not known at the time of writing.

Council could also choose to regulate dogs on the Trail only through the Dog Control Bylaw and Policy.

Option 2 Do not adopt the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw 2016.

A voluntary Trail Code sets out the expected behaviours along the trail. This Code is not legally enforceable for the most part. Some anti-social behaviour is already regulated by other Bylaws and by legislation. For example, littering could result in a fine under the Litter Act s 15. However, other behaviour (such as the riding of motorcycles, the exercising of dogs and the riding of horses) could create a risk to the safety of the users of the Trail without a mechanism for enforcement.

Where the Trail crosses private land, easements have been negotiated. There arises a risk that landowners may decide to block access if the public are not acting according to the easement agreements between the Council and the landowners and the Council is not empowered by a Bylaw to take action to address nuisance.

Option one is the preferred option recommended by staff to manage and control the use of the Trail. If the Bylaw is adopted, then every person who breaches the provisions commits an offence under section 239 of the Local Government Act 2002

and is liable on summary conviction to a fine not exceeding \$20,000 under section 242(2) of the Local Government Act 2002.

3) Financial implications and budgetary provision

Enforcement of the Bylaw will be within existing resources.

4) Reason for the recommendation

A Bylaw is the most appropriate way of managing the Cycle Trail. The proposed Bylaw allows for a consistent regulatory approach across the trail.

Manager: Jacqui Robson - General Manager Infrastructure and Asset Management Group

Attachment 1: Proposed Cycle Trail Bylaw 2016 Tracked changes - Document number A1738548

Attachment 2: Proposed Cycle Trail Bylaw 2016 - Document number A1757199

Attachment 3: Schedule 1 Cycle Trail Bylaw 2016 Map - Document number A1757201

Attachment 4: Schedule 1A Cycle Trail Bylaw 2016 Map - Document number A1757202

Attachment 5: Schedule 1B Cycle Trail Bylaw 2016 Map - Document number A1757200

Attachment 6: Schedule 1C Cycle Trail Bylaw 2016 Map - Document number A1757203

Attachment 7: Cycle Trail Bylaw 2016 Submissions Report - Document number A1757204

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 s 77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,-
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna, and other taonga.
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Economic Development Action Plan for 2016-2018: "Develop and market the Pou Herenga Tai Twin Coast Cycle Trail."
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	None noted.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Landowners and entities holding land which the Trail is on and/or adjacent to, particularly where there is an easement have been notified of the intention and several have been consulted with on the text of the Bylaw directly or via their representative(s).
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Yes
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	This is a District wide project. The Project Manager - Cycle Trail is to attend each Community Board in June 2016.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	Costs associated with the establishment of this Bylaw have been budgeted for by the Project Manager - Cycle Trail. The Chief Financial Officer has reviewed this report.



FAR NORTH DISTRICT COUNCIL

POU HERENGA TAI - TWIN COAST CYCLE TRAIL BYLAW 2015

Pursuant to Section 145 of the Local Government Act 2002

Issued:

To come into force: [01 October 2016](#)

For the purpose of:

The purpose of this Bylaw is to regulate the use of the *Pou Herenga Tai - Twin Coast Cycle Trail*, to protect, promote and maintain the health and safety of cycle trail users, to protect from nuisance those using the Trail and to minimise damage to the Trail.

To be reviewed by: [30 September 2021](#)



INDEX

Clause

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03	Commencement and Application
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05	Interpretation
06	Use of the Trail
07	Access To and Over the Trail
08	Offences
Schedule	Maps 1, 1A, 1B, 1C

TITLE

- 1.1 The Bylaw shall be known as the Far North District Council *Pou Herenga Tai - Twin Coast Cycle Trail*.

2. MEANING OF TRAIL

2.1 For the purposes of this Bylaw, the Trail means the path formed by or on behalf of the Far North District Council along the route delineated on the maps in Schedule 1 of this Bylaw, whether on private land, Crown land, Road, or land vested in or under the control of the Council, that is intended for the use of cyclists but which may also be used by Pedestrians, riders of Mobility Devices, riders of Wheeled Recreational Vehicles and includes:-

- (a) All the land within 2.5 metres on either side of the centre-line of the formed path or such appropriate lesser distance where the path is less than 5 metres wide; and
- (b) Every bridge, culvert and ford within the Trail;

But subject to existing laws where the path is within a Roadway.

3. COMMENCEMENT and APPLICATION

- 3.1 This Bylaw shall come into force on 01 October 2016 and applies to all parts of the Trail.

4. PURPOSE

4.1 The purpose of this Bylaw is to:

- (a) Protect, promote and maintain the safety of people using the Trail, or working and living in proximity to the Trail; and
- (b) Protect from nuisance those using the Trail or working and living in proximity to the Trail; and
- (c) Minimise damage to the Trail; and
- (d) Protect and maintain the natural and wildlife values and habitats in the vicinity of the Trail.

5. INTERPRETATION

5.1 In this Bylaw, unless inconsistent with the context:
“Authorised officer” means an officer appointed by Council to consider and make decisions on applications made under this Bylaw.

“**Council**” means the Far North District Council and any warranted officer delegated to carry out the duties of administration and enforcement of the General Bylaws of the Council

“**Cycle**”

- (a) means a Vehicle that has at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider; and

Attachment 1

- (b) includes a power-assisted cycle; and
- (c) includes a unicycle.

“Cyclist” is a person who rides a Cycle.

“Driveway” includes, but is not limited to, a place used as a vehicle entrance to or exit from land fronting a Road.

“Mobility Device” means a Vehicle that:

- (a) Is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
- (b) Is powered solely by a motor that has a maximum power output not exceeding 1,500 W.

“Moped” has the same meaning as in Section 2(1) of the Land Transport Act 1998

“Motorcycle” has the same meaning as in Section 2(1) of the Land Transport Act 1998

“Motor Vehicle” has the same meaning as in Section 2(1) of the Land Transport Act 1998, but does not include a Mobility Device or a Wheeled Recreational Device.

“Offence” means an offence against this Bylaw and includes any failure to comply with any part of this bylaw.

“Pedestrian” means a person on foot and includes a person in a wheelchair not propelled by mechanical power and a person in or on a contrivance equipped with wheels or revolving runners that is not a Vehicle.

“Road” has the same meaning as in section 315(1) of the Local Government Act 1974.

“Roadway” means that portion of the Road used for the time being for vehicular traffic in general.

“Stock” includes any horse, cattle, sheep, goat, pigs, deer, alpaca or llama or other hoofed animals.

“Trail” means the Pou Herenga Tai - Twin Coast Cycle Trail and has the same meaning given in clause 2.1 of this Bylaw.

“User” means a person that uses the Trail and includes a Pedestrian, a Cyclist, the rider of a Mobility Device or the rider of a Wheeled Recreational Device.

“Vehicle” has the same meaning as in section 2(1) of the Land Transport Act 1988.

“Wheeled recreational device”

- (a) means a Vehicle that is a wheeled conveyance (other than a Cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

~~5.15.2~~ In this Bylaw words in the singular include the plural and words in the plural include the singular.

6. USE OF THE TRAIL

6.1 The Trail may be used at the same time by Cyclists, Pedestrians, riders of Mobility Devices and riders of Wheeled Recreational Devices.

6.2 Subject to clause 6.3, no person shall drive a Motor Vehicle, motorcycle or moped on or along the Trail except:

- (a) to cross the Trail at an angle to the edge of the formed path on the Trail when on, entering, or exiting a Driveway; or
- (b) to carry out construction, maintenance, repair or replacement work on or in the vicinity of the Trail, which has been authorised by the Council; or
- (c) if that person is authorised by the Council to drive a Motor Vehicle on the Trail.

6.3 No person shall stop, stand or park a Motor Vehicle within 500mm of the edge of the formed path on the Trail without the prior written approval of the Council.

6.4 No person shall use the Trail for an organised event, including a race or time trial, without the prior written ~~approval consent~~ of the Council. This ~~consent approval~~ is required for any event, and ~~an~~ application shall be accompanied by health and safety plans, traffic management plans, details of marshals and any other appropriate information ~~if~~ requested by ~~the~~ Council to support ~~an the~~ application.

6.5 A User must at all times keep to the left side of the formed path on the Trail so that oncoming or following Users can pass on their right.

6.6 No User shall obstruct the entrances or exits to the Trail or unduly impede the passage of a User along the Trail.

6.7 No person shall use the Trail in the period from 30 minutes after sunset to 30 minutes before sunrise except in the event of an emergency, in unavoidable circumstances, ~~or if necessitated by organised and supervised events notified to and approved consented to by the Council.~~

6.8 At any time when there is not sufficient daylight to render clearly visible a cyclist or vehicle at a distance of 100 metres, a cyclist must use a steady or flashing forward-facing white or yellow light and a steady or flashing rear-facing red light which are sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 metres.

6.9 All Cyclists and riders of Mobility Devices must when within any Tunnels on the Trail use the lights described in clause 6.8 at any time of the day or night.

6.10 No person shall ride, lead or take any horse or horse and cart on the Trail ~~without the express consent of the Council~~ unless:

- (a) it is for the purpose of crossing the Trail at right angles to the edge of the formed path on the Trail; or
- (b) it is an organised and advertised horse trek; such horse treks to occur no more than four (4) times in each calendar year ~~with the consent of Council;~~
- ~~(c) with the consent of Council.~~

6.11 Where the Trail is used as a Stock race, Stock shall have right of way.

Attachment 1

6.12 Subject to clause 6.11 Stock are only permitted on the Trail under the following conditions:

- (a) to cross the Trail at right angles to the edge of the formed path or farm lane on the Trail for the purposes of entering or exiting private property via a Driveway; or
- (b) if the Trail is within Road, in accordance with the Council's *Control of the Use of Public Places Bylaw* or any Bylaw made in substitution thereof; or
- (c) with the prior written agreement of Council.

6.13 No owner of a dog, or person in possession of a dog, shall allow that dog to enter onto or remain on any part of the Trail, unless that dog is a 'working dog' as defined in the *Dog Control Act 1996*.

6.14 No User shall wilfully leave open any gate or make a gap in a fence for the purpose of permitting or causing any Stock to stray or wander on to the Trail or otherwise wilfully cause any Stock to stray or wander onto the Trail.

6.15 No User shall leave any litter or rubbish on the Trail.

6.16 No User shall be permitted to leave the Trail and enter private land adjoining the Trail, other than the owner(s) of such private land or any person(s) having the [consent agreement](#) of the landowner(s) to do so.

6.17 No User shall place or leave on the Trail any object, materials or thing that may obstruct or in any way interfere with the passage of Users along the trail, unless authorised by the Council and then only in accordance with such conditions imposed under that approval.

6.18 No User shall do or cause or permit to be done any act whatsoever by which any damage is caused to the Trail. Such damage includes:

- (a) interfering with, harming or killing any wildlife natural features, plants, trees or shrubs or removing any soils, sand or naturally occurring materials on or near the Trail; or
- (b) interfering with any ornament, statue, building, structure or facilities on the Trail; or
- (c) polluting, defacing, disfiguring, or applying graffiti, posters or advertising signs or sign of any description on or to any part of the Trail.

6.19 No User shall wilfully or negligently cause or allow any oil, or any liquid likely to create a danger to Users, to escape onto any part of the Trail including any part having a sealed or paved surface.

6.20 No User shall:

- (a) light any fire on the Trail; or
- (b) erect a tent, gazebo or similar device on the Trail; or
- (c) camp overnight on or beside the Trail.

6.21 No commercial activity is permitted on or beside the Trail ~~unless approved by the Council, and subject to any conditions imposed by any approval given. All approved commercial activities shall first obtain a Mobile Shop licence under Council's *Mobile Shops and Hawkers Bylaw*.~~ [without the consent of](#) Council, and subject to any conditions imposed ~~by any approval given. All approved commercial activities shall first obtain a Mobile Shop licence under Council's *Mobile Shops and Hawkers Bylaw*.~~

7. ACCESS TO AND OVER THE TRAIL

7.1 Except with the permission consent of the Council no person shall establish a new Driveway or path that:

- (a) Crosses the Trail, or provides access to and from the Trail; and
- (b) Is used or available for use by Cyclists, Pedestrians, riders of Mobility Devices, riders of Wheeled Recreational Devices or drivers of Motor Vehicles.

7.2 In granting permission consent under clause 7.1 of this Bylaw, the Council may impose such conditions as it thinks fit for the protection and safety of Users.

8. CONSENTS

8.1 This clause relates to the provisions set out in clauses 6 and 7 which provide for consent to be obtained for particular use of the Trail.

8.2 Every person requesting consent shall complete an application form and submit it to an authorised officer of the Council for consideration.

8.3 Council will decide whether any further supporting information or any landowner's consent is required and inform the applicant accordingly.

8.4 Subject to clause 8.5, if landowner's consent is required Council will take steps to advise such landowner of the nature of the application and endeavour to procure a decision from such landowner.

8.5 Council may in its discretion decline the application without reference to any landowner but where it has decided that landowner's consent is required and such consent is declined, it must decline the application.

~~8.9.~~ OFFENCES

~~8.19.1~~ Every person who breaches this Bylaw commits an offence under section 239 of the *Local Government Act 2002* and is liable on summary conviction to a fine not exceeding \$20,000.00 under section 242(2) of the *Local Government Act 2002*.

~~8.29.2~~ The Council may apply to the District Court under section 162 of the *Local Government Act 2002* for an injunction restraining a person from committing a breach of this Bylaw.



FAR NORTH DISTRICT COUNCIL

POU HERENGA TAI - TWIN COAST CYCLE TRAIL BYLAW 2015

Pursuant to Section 145 of the Local Government Act 2002

Issued:

To come into force: 01 October 2016

For the purpose of: The purpose of this Bylaw is to regulate the use of the *Pou Herenga Tai - Twin Coast Cycle Trail*, to protect, promote and maintain the health and safety of cycle trail users, to protect from nuisance those using the Trail and to minimise damage to the Trail.

To be reviewed by: 30 September 2021



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Clause

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02	Meaning of Trail
03	Commencement and Application
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TITLE

- 1.1 The Bylaw shall be known as the Far North District Council *Pou Herenga Tai - Twin Coast Cycle Trail*.

2. MEANING OF TRAIL

2.1 For the purposes of this Bylaw, the Trail means the path formed by or on behalf of the Far North District Council along the route delineated on the maps in Schedule 1 of this Bylaw, whether on private land, Crown land, Road, or land vested in or under the control of the Council, that is intended for the use of cyclists but which may also be used by Pedestrians, riders of Mobility Devices, riders of Wheeled Recreational Vehicles and includes:-

- (a) All the land within 2.5 metres on either side of the centre-line of the formed path or such appropriate lesser distance where the path is less than 5 metres wide; and
- (b) Every bridge, culvert and ford within the Trail;

But subject to existing laws where the path is within a Roadway.

3. COMMENCEMENT and APPLICATION

3.1 This Bylaw shall come into force on 01 October 2016 and applies to all parts of the Trail.

4. PURPOSE

4.1 The purpose of this Bylaw is to:

- (a) Protect, promote and maintain the safety of people using the Trail, or working and living in proximity to the Trail; and
- (b) Protect from nuisance those using the Trail or working and living in proximity to the Trail; and
- (c) Minimise damage to the Trail; and
- (d) Protect and maintain the natural and wildlife values and habitats in the vicinity of the Trail.

5. INTERPRETATION

5.1 In this Bylaw, unless inconsistent with the context:
“Authorised officer” means an officer appointed by Council to consider and make decisions on applications made under this Bylaw.

“**Council**” means the Far North District Council and any warranted officer delegated to carry out the duties of administration and enforcement of the General Bylaws of the Council

“**Cycle**”

(a) means a Vehicle that has at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider; and

- (b) includes a power-assisted cycle; and
- (c) includes a unicycle.

“**Cyclist**” is a person who rides a Cycle.

“**Driveway**” includes, but is not limited to, a place used as a vehicle entrance to or exit from land fronting a Road.

“**Mobility Device**” means a Vehicle that:

- (a) Is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
- (b) Is powered solely by a motor that has a maximum power output not exceeding 1,500 W.

“**Moped**” has the same meaning as in Section 2(1) of the Land Transport Act 1998

“**Motorcycle**” has the same meaning as in Section 2(1) of the Land Transport Act 1998

“**Motor Vehicle**” has the same meaning as in Section 2(1) of the Land Transport Act 1998, but does not include a Mobility Device or a Wheeled Recreational Device.

“**Offence**” means an offence against this Bylaw and includes any failure to comply with any part of this bylaw.

“**Pedestrian**” means a person on foot and includes a person in a wheelchair not propelled by mechanical power and a person in or on a contrivance equipped with wheels or revolving runners that is not a Vehicle.

“**Road**” has the same meaning as in section 315(1) of the Local Government Act 1974.

“**Roadway**” means that portion of the Road used for the time being for vehicular traffic in general.

“**Stock**” includes any horse, cattle, sheep, goat, pigs, deer, alpaca or llama or other hoofed animals.

“**Trail**” means the Pou Herenga Tai - Twin Coast Cycle Trail and has the same meaning given in clause 2.1 of this Bylaw.

“**User**” means a person that uses the Trail and includes a Pedestrian, a Cyclist, the rides of a Mobility Device or the rider of a Wheeled Recreational Device.

“**Vehicle**” has the same meaning as in section 2(1) of the Land Transport Act 1988.

“**Wheeled recreational device**”

- (a) means a Vehicle that is a wheeled conveyance (other than a Cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

5.2 In this Bylaw words in the singular include the plural and words in the plural include the singular.

6. USE OF THE TRAIL

6.1 The Trail may be used at the same time by Cyclists, Pedestrians, riders of Mobility Devices and riders of Wheeled Recreational Devices.

6.2 Subject to clause 6.3, no person shall drive a Motor Vehicle, motorcycle or moped on or along the Trail except:

- (a) to cross the Trail at an angle to the edge of the formed path on the Trail when on, entering, or exiting a Driveway; or
- (b) to carry out construction, maintenance, repair or replacement work on or in the vicinity of the Trail, which has been authorised by the Council; or
- (c) if that person is authorised by the Council to drive a Motor Vehicle on the Trail.

6.3 No person shall stop, stand or park a Motor Vehicle within 500mm of the edge of the formed path on the Trail without the prior written approval of the Council.

6.4 No person shall use the Trail for an organised event, including a race or time trial, without the prior written consent of the Council. This consent is required for any event, and an application shall be accompanied by health and safety plans, traffic management plans, details of marshals and any other appropriate information if requested by Council to support the application.

6.5 A User must at all times keep to the left side of the formed path on the Trail so that oncoming or following Users can pass on their right.

6.6 No User shall obstruct the entrances or exits to the Trail or unduly impede the passage of a User along the Trail.

6.7 No person shall use the Trail in the period from 30 minutes after sunset to 30 minutes before sunrise except in the event of an emergency, in unavoidable circumstances, or if necessitated by organised and supervised events consented to by Council.

6.8 At any time when there is not sufficient daylight to render clearly visible a cyclist or vehicle at a distance of 100 metres, a cyclist must use a steady or flashing forward-facing white or yellow light and a steady or flashing rear-facing red light which are sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 metres.

6.9 All Cyclists and riders of Mobility Devices must when within any Tunnels on the Trail use the lights described in clause 6.8 at any time of the day or night.

6.10 No person shall ride, lead or take any horse or horse and cart on the Trail unless:

- (a) it is for the purpose of crossing the Trail at right angles to the edge of the formed path on the Trail; or
- (b) it is an organised and advertised horse trek; such horse treks to occur no more than four (4) times in each calendar year with the consent of Council;
- (c) with the consent of Council.

6.11 Where the Trail is used as a Stock race, Stock shall have right of way.

Attachment 2

6.12 Subject to clause 6.11 Stock are only permitted on the Trail under the following conditions:

- (a) to cross the Trail at right angles to the edge of the formed path or farm lane on the Trail for the purposes of entering or exiting private property via a Driveway; or
- (b) if the Trail is within Road, in accordance with the Council's *Control of the Use of Public Places Bylaw* or any Bylaw made in substitution thereof; or
- (c) with the prior written agreement of Council.

6.13 No owner of a dog, or person in possession of a dog, shall allow that dog to enter onto or remain on any part of the Trail, unless that dog is a 'working dog' as defined in the *Dog Control Act 1996*.

6.14 No User shall wilfully leave open any gate or make a gap in a fence for the purpose of permitting or causing any Stock to stray or wander on to the Trail or otherwise wilfully cause any Stock to stray or wander onto the Trail.

6.15 No User shall leave any litter or rubbish on the Trail.

6.16 No User shall be permitted to leave the Trail and enter private land adjoining the Trail, other than the owner(s) of such private land or any person(s) having the agreement of the landowner(s) to do so.

6.17 No User shall place or leave on the Trail any object, materials or thing that may obstruct or in any way interfere with the passage of Users along the trail, unless authorised by the Council and then only in accordance with such conditions imposed under that approval.

6.18 No User shall do or cause or permit to be done any act whatsoever by which any damage is caused to the Trail. Such damage includes:

- (a) interfering with, harming or killing any wildlife natural features, plants, trees or shrubs or removing any soils, sand or naturally occurring materials on or near the Trail; or
- (b) interfering with any ornament, statue, building, structure or facilities on the Trail; or
- (c) polluting, defacing, disfiguring, or applying graffiti, posters or advertising signs or sign of any description on or to any part of the Trail.

6.19 No User shall wilfully or negligently cause or allow any oil, or any liquid likely to create a danger to Users, to escape onto any part of the Trail including any part having a sealed or paved surface.

6.20 No User shall:

- (a) light any fire on the Trail; or
- (b) erect a tent, gazebo or similar device on the Trail; or
- (c) camp overnight on or beside the Trail.

6.21 No commercial activity is permitted on or beside the Trail without the consent of Council, and subject to any conditions imposed.

7. ACCESS TO AND OVER THE TRAIL

7.1 Except with the consent of the Council no person shall establish a new Driveway or path that:

- (a) Crosses the Trail, or provides access to and from the Trail; and
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7.2 In granting consent under clause 7.1 of this Bylaw, the Council may impose such conditions as it thinks fit for the protection and safety of Users.

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8.1 This clause relates to the provisions set out in clauses 6 and 7 which provide for consent to be obtained for particular use of the Trail.

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8.5 Council may in its discretion decline the application without reference to any landowner but where it has decided that landowner's consent is required and such consent is declined, it must decline the application.

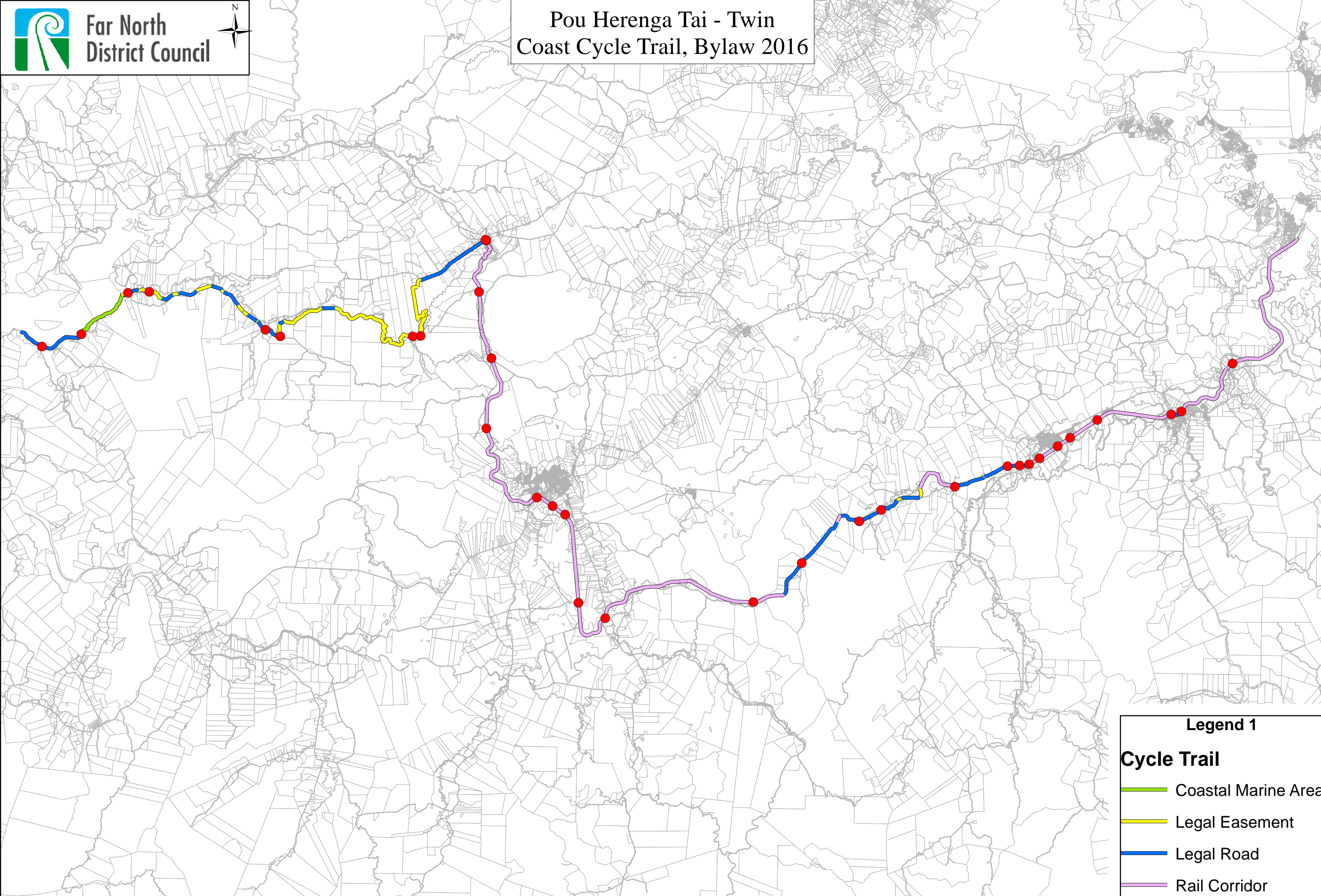
9. OFFENCES

9.1 Every person who breaches this Bylaw commits an offence under section 239 of the *Local Government Act 2002* and is liable on summary conviction to a fine not exceeding \$20,000.00 under section 242(2) of the *Local Government Act 2002*.

9.2 The Council may apply to the District Court under section 162 of the *Local Government Act 2002* for an injunction restraining a person from committing a breach of this Bylaw.



Pou Herenga Tai - Twin Coast Cycle Trail, Bylaw 2016



Legend 1

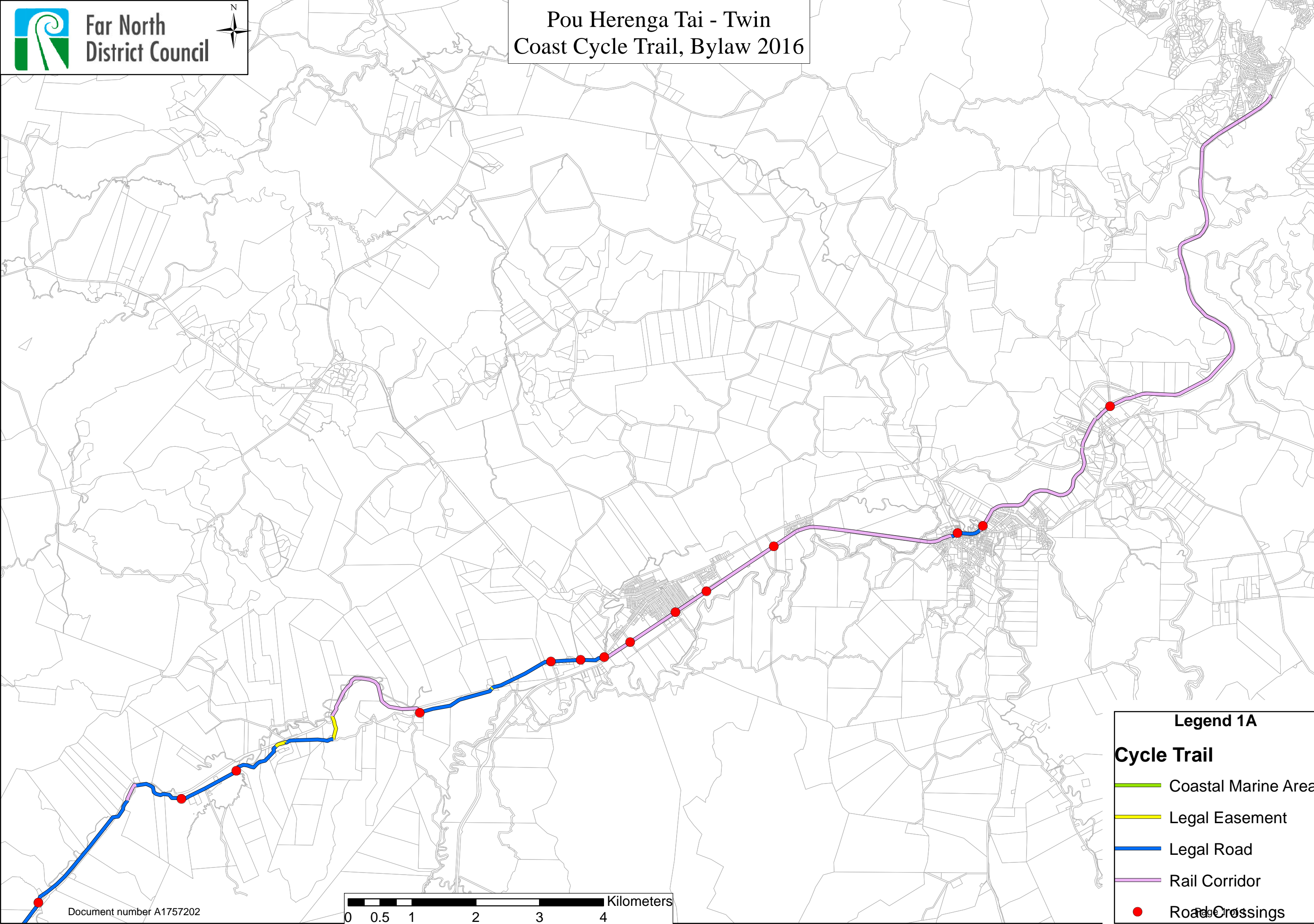
Cycle Trail

- Coastal Marine Area
- Legal Easement
- Legal Road
- Rail Corridor
- Road Crossings





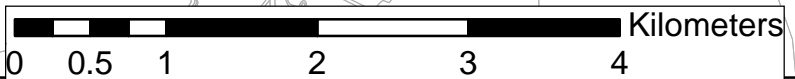
Pou Herenga Tai - Twin
Coast Cycle Trail, Bylaw 2016



Legend 1A

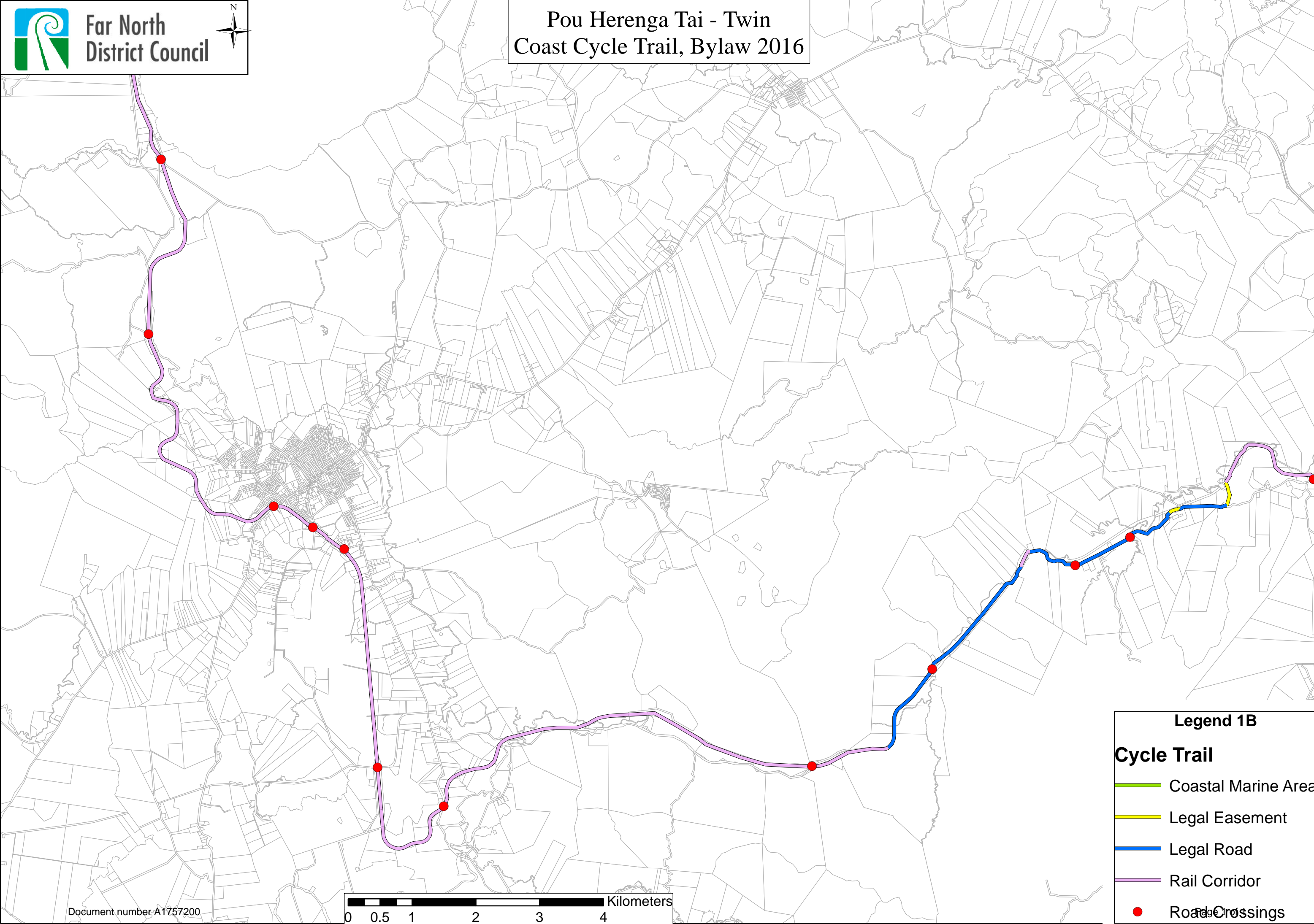
Cycle Trail

- Coastal Marine Area
- Legal Easement
- Legal Road
- Rail Corridor
- Road Crossings





Pou Herenga Tai - Twin
Coast Cycle Trail, Bylaw 2016



Legend 1B

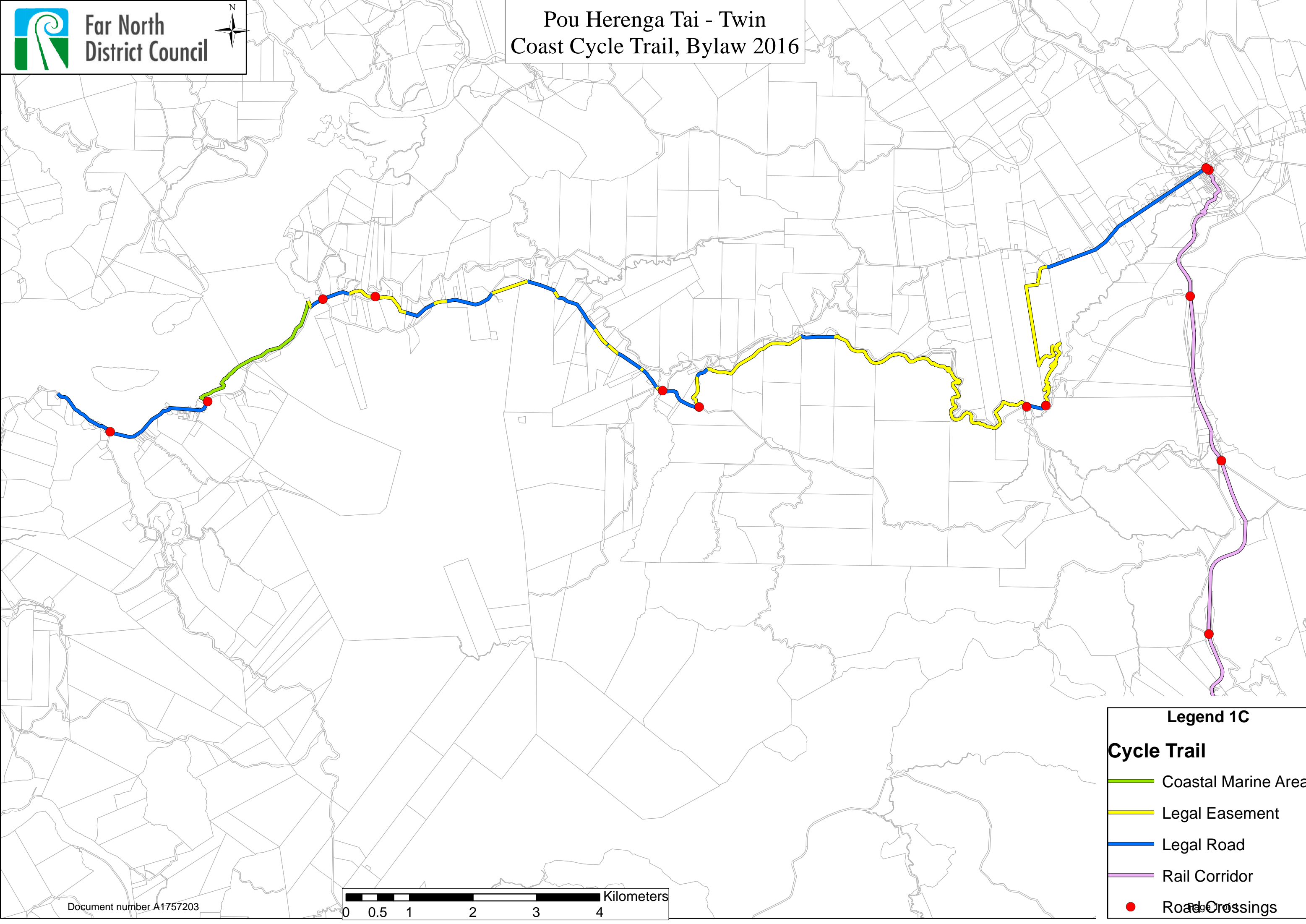
Cycle Trail

- Coastal Marine Area
- Legal Easement
- Legal Road
- Rail Corridor
- Road Crossings










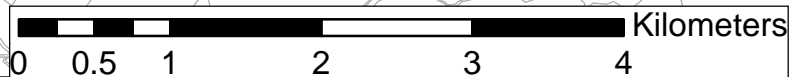
Pou Herenga Tai - Twin Coast Cycle Trail, Bylaw 2016



Legend 1C

Cycle Trail

-  Coastal Marine Area
-  Legal Easement
-  Legal Road
-  Rail Corridor
-  Road Crossings



Submitter ID	Question One - Purpose of Bylaw - The Twin Coast Cycle Trail Bylaw is likely to protect the public from nuisance, such as undesirable behaviour by users of the Trail.	Question One Comment	Question Two - No Use of Trail after Sunset - The Draft Bylaw proposes the Twin Coast Cycle Trail should only be used during daylight hours (within 30 minutes of sunrise and sunset)	Question Two Comment	Question Three - No Commercial Activity - The Draft Bylaw proposes commercial activity should not be allowed on or beside the Trail.	Question Three Comment	Question Four - No Dogs on Trail - The Draft Bylaw proposes dogs should not be allowed on the Trail	Question Four Comment	Question Five - No Horses on Trail - The Draft Bylaw proposes horses should not be allowed on the Trail	Question Five Comment	Question Six - General Feedback	Officer Response
1	Neutral		Neutral		Neutral		Neutral		Disagree	Please consider allowing horses on the entire 84k cycle way. It is important to enable all sorts of sports people within the Northland area access to these beautiful cycle ways.		The Trail has not been constructed to be suitable for horses
2	Neutral		Neutral		Neutral		Neutral		Neutral		The submitter wishes to ensure no firearms are carried or used on the trail.	Property owners may carry firearms
2											Due to the wide implications of the Safety in the Workplace Act 2016 farmers adjoining the trail must be exempted from any part of the Act pertaining to people using the trail.	People using the Trail at not at work or employed.
2											Farmers on which land the trail traverse must have absolute right of way across the trail with live stock and farm machinery and equipment.	That is already part of the Bylaw and Easements.
2											Exception should be made to allow cross country battery powered mobility scooters on the trail.	They are allowed.
3									Disagree	I would like to see included into the plan that freer use of the trail for recreational horse riders. Four times a year and the systems in place to restrict this type of activity is not good enough.		The Trail has not been constructed to be suitable for horses
4											I find the detail and format impractical, as no user can be expected to read and comprehend the rules prior to daylight ending. The rules need to be understandable by anyone (also foreigners).	The Bylaw is not the same as the public information that will be provided.
4											I have read the draft and could find nothing wrong factually, although one item missed is probably that no person should urinate or whatever on or next to the trail.	That could be an offence under other legislation.
5									Disagree	Why are you not including equestrians on this trail surely they are considered tax payers and community members as an equestrian I would like to see more safe places and trails to ride.		The Trail has not been constructed to be suitable for horses
6											I just want to let you know that I have read the draft and I think it is good. Thanks for the opportunity.	
7									Disagree	Please can the bike trail be opened to horses as well as bikes.		The Trail has not been constructed to be suitable for horses
8											The Trail is a bloody disgrace. Never mind worrying about bylaws get it finished. Council has been told repeatedly about cattle grazing on the trail uncontrolled and nothing has been done about it.	
9											My only comment is that in considering the DoC legislation recently we have had to include electric bikes in our consideration of vehicles on tracks.	

Submitter ID	Question One - Purpose of Bylaw - The Twin Coast Cycle Trail Bylaw is likely to protect the public from nuisance, such as undesirable behaviour by users of the Trail.	Question One Comment	Question Two - No Use of Trail after Sunset - The Draft Bylaw proposes the Twin Coast Cycle Trail should only be used during daylight hours (within 30 minutes of sunrise and sunset)	Question Two Comment	Question Three - No Commercial Activity - The Draft Bylaw proposes commercial activity should not be allowed on or beside the Trail.	Question Three Comment	Question Four - No Dogs on Trail - The Draft Bylaw proposes dogs should not be allowed on the Trail	Question Four Comment	Question Five - No Horses on Trail - The Draft Bylaw proposes horses should not be allowed on the Trail	Question Five Comment	Question Six - General Feedback	Officer Response
10											The contractors worked hard and efficiently. I am grateful for the opportunity to acknowledge that team, they went above and beyond for my daughter and I. Please give them our warmest wishes.	
11	Agree	I submit that this generally looks adequate for the purpose. Well done.										
12											I don't have a submissions as such but I am so glad to see progress on this important piece of infrastructure. Fantastic and well done. Congrats.	
13											What protection or public liability cover will be in place in to safe guard damage carried out by the users of the track. To the track itself, and its immediate environment.	Council depreciates and insures its assets according to Financial and other policies.
14									Disagree	Allow horses, wheelchairs and any other non powered transport, including walkers.		Walking is allowed. The Trail has not been constructed to be suitable for horses
15	Agree		Strongly Agree		Agree		Strongly Agree		Strongly Agree			
16	Agree		Disagree		Agree		Disagree		Agree	In my experience horses have a negative effect on trail surfaces, and squealing bike brakes can spook some horses creating dangerous situations for riders.	Should use https://gazette.govt.nz/notice/id/2013-au4618 definition of power assisted cycles - or limit to 300W. 6.4 appears to encompass small club trips of a few riders.	The Trail has not been constructed to be suitable for dogs
17	Agree		Agree	I suggest that exception in section 6.7 should also be applicable to section 6.8 so that an unexpectedly late return from a cycle occasioned eg by a puncture would not breach the lights requirement.	Agree		Strongly Agree		Agree		My main concern is section 6.9 requirement for forward and rear lights in tunnels. Most bicycles lack lights so many people will be in breach and liable to \$20,000 fine. Could use of a torch suffice?	The Bylaw recognises an exception for unforeseen circumstances. A torch would suffice.
18	Agree		Strongly Agree		Neutral		Agree		Strongly Agree			
19	Strongly Agree		Strongly Agree		Strongly Agree		Strongly Agree	I strongly support banning dogs on the trail	Strongly Agree			
20	Disagree		Strongly Disagree		Neutral		Strongly Disagree		Neutral			Landowners do not want people using the Trail at night.
21	Agree		Agree		Agree		Neutral		Strongly Disagree	Horse riding should be permitted. There is potential for the track to be damaged by hooves, but this should be able to be managed by restricting which months of the year horse riding could occur.	There are many tracks around the world where walking, bike riding and horse riding are enjoyed in harmony.	The Trail has not been constructed to be suitable for horses
22	Agree	Horse riding will not be a danger to the public. Horse riding has a large following in the far north. Allow horses on the Trail.	Agree		Strongly Disagree		Disagree	On a leash is fine	Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
23	Neutral		Disagree		Neutral		Strongly Disagree		Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
24	Neutral		Disagree		Neutral		Disagree		Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
25	Strongly Agree		Strongly Agree		Strongly Agree		Agree	If we could guarantee people would pick up their dog's poo it would be fine. I am presuming that guide dogs are classed as working dogs.	Strongly Agree	their horse poo. I went for a walk around a lake the other day and had to dodge many manure piles. It ruined the walk. Horse hooves will also be rough on the track.		
26	Strongly Agree		Strongly Disagree	The trail is safer to travel than the road and needs to be open to enable those without cars access between towns	Strongly Agree		Strongly Agree		Strongly Agree			Landowners do not want people using the Trail at night.

Submitter ID	Question One - Purpose of Bylaw - The Twin Coast Cycle Trail Bylaw is likely to protect the public from nuisance, such as undesirable behaviour by users of the Trail.	Question One Comment	Question Two - No Use of Trail after Sunset - The Draft Bylaw proposes the Twin Coast Cycle Trail should only be used during daylight hours (within 30 minutes of sunrise and sunset)	Question Two Comment	Question Three - No Commercial Activity - The Draft Bylaw proposes commercial activity should not be allowed on or beside the Trail.	Question Three Comment	Question Four - No Dogs on Trail - The Draft Bylaw proposes dogs should not be allowed on the Trail	Question Four Comment	Question Five - No Horses on Trail - The Draft Bylaw proposes horses should not be allowed on the Trail	Question Five Comment	Question Six - General Feedback	Officer Response
27	Disagree		Disagree		Agree		Neutral		Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for horses
28	Strongly Agree		Strongly Agree		Strongly Agree		Strongly Agree		Strongly Agree		Why has this Bylaw not been run past the Cycle-trail working party, whose role is to determine the future & ongoing governance of the cycle-trail - of which these bylaw rules should be part???	The Working Party has not been in operation for some months. A new group is to be formed for the governance of the Trail.
29	Neutral		Neutral		Neutral		Neutral		Strongly Disagree	Council should allow horse activity on the Trail. Horse riding is an outdoor sport that should be catered to & encouraged. The Trail would provide for a safer environment for horse riding.		The Trail has not been constructed to be suitable for horses
30	Agree.	I strongly support a shared use of the trail: bikes, walkers and HORSES. So signage on best "riding etiquette would help everyone know how to respect each other.	Strongly Disagree	I don't think there is a need to close the trail at night.	Strongly Disagree	So many restrictions! Commercial activities are the backbone of our economy. Give local businesses a bit of slack and make it as easy as possible for them.	Strongly Agree	I would be very disappointed to see council opening the countryside to dogs. We have lost far too many kiwis in the last few years, and they are a danger to bike riders.	Strongly Disagree	With an agreed riding etiquette, horses and bikes can cohabit very well. We are implementing this in the Waitangi Forest. Riding horses is our culture and should be encouraged.	I was asked to make a submission for this as a business by Tania McInnes about 5 years ago. I sent a letter of support in our business name: Horse Trek'n. My understanding was a shared use with horses	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for horses
31	Neutral		Disagree	Why? Bikes have lights and people can carry torches. This sounds like a nanny state.	Disagree	Why? Northland relies on tourism so surely allowing commercial enterprises to use the trail can only be a benefit to all.	Disagree	So you are creating a trail that excludes trampers, horse riders and dog walkers. How short sighted.	Strongly Disagree	Horses are extremely vulnerable on Northland roads and there are few places to safely ride. Horse riders and cyclists can use the same trails safely. I strongly recommend you do not ban horses.	When will you be creating a bylaw for a bridle way network? Surely it makes sense to create an inclusive network of tracks for everyone to use.	Landowners do not want people using the Trail at night. More bridleways could be established. In the District, including on paper roads. The Trail has not been constructed to be suitable for dogs or horses
32	Agree		Agree		Agree		Agree		Strongly Disagree	Horses need some where to be ridden safely away from roads...and many peopl can't ride bikes only horses...and England has these trails that everyone can use including horses...I think it very unfair		The Trail has not been constructed to be suitable for horses
33	Agree		Neutral		Agree		Disagree		Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses
34	Disagree	How is this going to be policed? Or is the fndc going to rely on public complaints?	Strongly Disagree	I strongly agree as a land owner.....However I strongly disagree if this would apply to me as I require access to my land by passing over the cycle trail day and night....	Strongly Agree		Strongly Disagree	As mentioned above, I strongly agree but as a land owner with a dog who requires access to land I expect to be exempt from this bylaw...	Disagree	As a land owner who may at some stage own a horse or horses, I will require access to land and will expect to be exempt...	Clauses in the draft speak if understanding of land owners, however I have not discussed anything with any far north district councillor.... I will have access to my property 24/7...	The bylaw specifically allows landowners to cross the Trail. Easements have been negotiated with officers.
35	Strongly Agree		Strongly Disagree	Te Raupo has been my Turangawaewae since i was born. It is my heritage from my Grandmother. you are stopping my family from accessing it. We gather see food, all hours of the day and night.	Strongly Agree		Strongly Disagree	Dogs can be managed if they are controlled by their owners, which make it safe for others.	Neutral			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
36	Agree	As landowner transited by the cycleway, I am concerned about the possibility that I cannot access the rear of my farm as, effectively, it has been landlocked by the construction of the cycleway.	Agree	Except owners of the land through which the cycleway transits	Disagree	About 4.5 km of the cycleway runs through my place. I have to use the cycleway to access the rear of my place with working dogs and vehicles.	Disagree	I have to use part of the cycleway to access the rear of my place with working dogs and vehicles	Disagree	Does this apply to the farm owner taking working horses on part of the cycleway to access the rear of the property?		The bylaw specifically allows landowners to cross the Trail (including with animals). Easements have been negotiated with officers. The Trail has not been constructed to be suitable for dogs or horses.
37	Disagree		Strongly Disagree		Neutral		Neutral		Neutral			Landowners do not want people using the Trail at night.
38	Strongly Agree		Disagree		Strongly Agree		Disagree		Strongly Disagree	Horse riding is a popular activity within the community. I would suggest more popular than bike riding, why ban horses ? The ride should be for horse riders and bikers.		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses

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39	Strongly Agree		Strongly Agree		Agree		Disagree	Dogs under lead control, accompanying walkers should be permitted. Proper control must be observed	Agree			The Trail has not been constructed to be suitable for dogs
40	Agree		Strongly Disagree	The cycleway provides a safe access between various communities for both cyclists and pedestrians. The Council will not be able to monitor this so why have a by-law prohibiting access.	Disagree	In some communities small commercial activities alongside but Not on the cycleway could be of benefit. Review after a 12 month trial period once the cycleway is fully completed		Dogs under control should be allowed. This is not only a tourist facility but a community amenity which will be paid for by ratepayers. Therefore communities should be allowed reasonable access	Strongly Agree		Council must accept that this facility will be maintained and paid for by FNDC ratepayers. It therefore should be treated as a community amenity	The Trail is not all on public land but crosses private land. A landowners expect the Trail to be properly managed. Landowners do not want people using the Trail at night.
41	Agree		Strongly Agree		Strongly Agree		Strongly Agree	Also keep sheep and cattle off.	Strongly Agree		6a - Better maintenance and weed control 6 b - Any Bylaw will be meaningless unless adequately policed.	
42	Strongly Agree		Neutral		Neutral		Strongly Disagree	Dogs on a lead. Owner carries bags to tidy up after dog with the odd bin provided. There are so very few places to walk a dog due to Kiwi protection, and a trail is viable alternative.	Strongly Disagree	One again, there are so few places to ride a horse on public land. Now that the Waitangi Forestry has been mainly set aside for a mountain park, this would provide a great alternative.		The Trail has not been constructed to be suitable for dogs or horses
43	Disagree		Agree		Neutral		Strongly Disagree	Could walkers with a dog on a leash not be able to walk the trail for fitness, having a dog makes a female feel better protected and they give great company for a person walking alone.	Strongly Disagree	There are few places in Nthland left to ride. It would be a great place to hack out and take in Northlands beautiful countryside. Safer for children than riding on the roads that are getting busier.	Please don't ban the horses. With the Waitangi mountain bike going ahead it is one more place the local children are losing to ride and this would be great for children and adults to use.	The Trail has not been constructed to be suitable for dogs or horses
44	Neutral		Neutral		Disagree		Disagree		Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses
45										Horse trek is not defined. . Why only 4 times annually? . How many horses (with carts) each time? . Potential track damage - who pays? . Safety for other users?	We did not find anything factually wrong with the draft, but regard the detail and format as impracticable. A Definitions need to be understandable and consistent.	This is a legal document and not the same as the public information.
46											I suggest the proposed bylaw be specifically written so farmers/landowners are exempt so as to allow their working dogs and horses, stock, vehicles and farm equipment to use the cycleway as required	The Easements and Bylaw reflect the agreement with landowners who can cross the trail with cattle.
47									Disagree	We would simply love to responsibly ride our horses on this trail, please make it possible.		The Trail has not been constructed to be suitable for horses
48	Neutral		Neutral		Neutral		Strongly Disagree		Disagree			The Trail has not been constructed to be suitable for dogs or horses
49							Strongly Disagree					The Trail has not been constructed to be suitable for dogs or horses
50	Disagree	Trouble makers do not abide bylaws	Strongly Agree		Agree		Strongly Agree	This is reasonable due to stock paddocks along the trail	Strongly Disagree	There is no good reason to prevent horse riding on the trail. Walkers, cyclists and riders could use trail in harmony as they do in many other places. Guidelines for all users would create harmony.	Please research about trails all around the world where walkers, cyclists and horse riders use trails together, horse riders pay taxes too. Use restrictions to time of year to prevent damage to track	The Trail has not been constructed to be suitable for horses
51	Agree		Neutral	some people enjoy evening walks or rides.in this hectic world ,peace and quiet can be hard to find. The cycleway is perfect for this.	Agree		Strongly Disagree	dogs I have encountered have been well controlled and happy to be out with their owners. Likewise the owners have been happy to have a place that is safe to have their pets. Cyclists I know share this v	Agree		I think the cycleway is the best thing to happen for our country, and should be enjoyed by all, dogs included.	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
52	Agree		Agree		Agree		Strongly Disagree	I walk this trail with my dog every day.	Neutral			The Trail has not been constructed to be suitable for dogs

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53	Neutral		Disagree		Disagree		Strongly Disagree		Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses	
54	Agree		Neutral		Disagree		Strongly Disagree	Are there not already enough restrictions on dog owners. Next we see a bylaw that forbid you of having a dog in the first place. You are only pinging people that care about their dog(s).	Neutral		The Cycle Trail is to share and meet people including their dog(s).	The Trail has not been constructed to be suitable for dogs	
55	Agree		Neutral		Neutral		Strongly Disagree	Dogs should be allowed. Most dog owners are responsible and there are too few places where you can take dogs in the Far North as it is with all the DOC rules.	Neutral			The Trail has not been constructed to be suitable for dogs	
56	Disagree		Strongly Disagree		Disagree		Strongly Disagree		Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses	
57	Agree		Agree		Agree		Strongly Disagree	This should be a place the whole community can use, that includes people and their dogs. Dogs should be kept under control and owners should pick up after their dogs.	Disagree			The Trail has not been constructed to be suitable for dogs or horses	
58	Neutral		Agree		Agree		Strongly Disagree		Disagree			The Trail has not been constructed to be suitable for dogs or horses	
59	Strongly Agree		Strongly Agree		Agree		Strongly Disagree	Provision should be made to walk dogs on a lead	Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses	
60	Disagree		Neutral		Disagree	might be nice to buy water, coffee or a band aide!	Strongly Disagree	dogs on a lead should be fine	Strongly Disagree	be inclusive not exclusive	how about banning lycra?	The Trail has not been constructed to be suitable for dogs or horses. Commercial activity can take palce but not immediately on or adjacent to the Trail.	
61	Agree		Strongly Agree		Agree		Disagree	Supervised dogs on leashes should be allowed. This is a community facility and dog walkers should be permitted.	Strongly Disagree		Several of us attended meetings at Okaihau Community Hall when the trail was first being mooted. We specifically asked, and were reassured that horses would be permitted on the trail.	It seems that what was initially promised, that the trail would be for ALL of the community, has not been delivered.	The Trail has not been constructed to be suitable for horses or dogs
62			Disagree	Night life in nature is an attraction too	Strongly Agree		Strongly Disagree	The usual under control rules should apply. A perfect place to exercise dogs	Disagree	Make it useable for lots of the community. If the trail is wide enough it should be able to cater for lots of differences		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs.	
63	Neutral		Agree		Agree		Strongly Disagree		Neutral			The Trail has not been constructed to be suitable for dogs or horses	
64	Strongly Agree				Agree		Strongly Disagree		Disagree			The Trail has not been constructed to be suitable for dogs or horses	
65	Strongly Disagree		Strongly Disagree		Strongly Disagree		Strongly Disagree	The owners of dogs wish to exercise their pets off main roads and highways. Please let us perform this function as a family activity and great exercise for everyone involved including the dogs.	Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses	
66	Strongly Disagree		Strongly Agree		Strongly Agree		Strongly Disagree		Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses	
67	Strongly Agree						Strongly Disagree	I strongly feel that dogs should be allowed on the trail with a leash	Strongly Disagree	Horses came before cycles, they should be allowed		The Trail has not been constructed to be suitable for dogs or horses	
68	Agree		Agree		Agree		Strongly Disagree	Dogs UNDER CONTROL should be allowed on the cycle trail.	Agree			The Trail has not been constructed to be suitable for dogs	
69	Strongly Agree		Strongly Disagree	I do enjoy night riding down the cycleway, plus there a many walking the trail at night	Strongly Agree		Strongly Disagree	dogs are fine if owners take responsibility for their dogs and keep them on a leash, also being aware of cyclists	Strongly Agree	horses are too large and cause a huge amount of damage to the track		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs	

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70	Agree		Agree		Agree		Disagree	Council should consider opening up part of cycle trail closed to township. Understand there may be commitments made to private land owners on part of trail.	Disagree	See above.		The Trail has not been constructed to be suitable for dogs or horses
71	Agree		Disagree		Agree		Strongly Disagree	Change the Bylaw to have dogs on a lead only and not running free	Neutral	Horses allowed only at a walking pace and not at speed/running		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
72	Disagree	I can understand banning motorcycles and horses as they could cut up the track. Dogs under control should NOT be included as a public nuisance.	Disagree	Policing of this would be incredibly difficult. If it is just a matter of health and safety, make it a 'At your own risk' activity.	Agree		Strongly Disagree	Another example of council discriminating against dog owners!	Agree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
73	Strongly Agree		Neutral		Agree		Strongly Disagree	Dogs should be allowed on a lead, there is a lack of dog walks in this area.	Neutral			The Trail has not been constructed to be suitable for dogs
74	Agree		Disagree		Neutral		Strongly Disagree	Dogs on a leash should be allowed so as people can at least run, walk with their dogs. That way they would be no hindrance to other users. There is minimal areas in the Paihia area to take dogs	Strongly Agree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
75	Disagree		Agree		Strongly Agree		Strongly Disagree	Ones pet dog may provide its owner with protection from criminals.	Neutral		Its extremely rare to see cyclists using the trail during winter but guaranteed throughout the day/week& year you'll see people walking their dogs. At least allow dog walking during certain periods.	The Trail has not been constructed to be suitable for dogs or horses. It is expected to become busier.
76	Agree		Neutral		Agree		Strongly Disagree		Neutral			The Trail has not been constructed to be suitable for dogs
77	Strongly Disagree	The cycle trail should be open to all who wish to use it, there are so few places to walk dogs safely and away from the road this should not be taken away too.	Agree		Strongly Agree		Strongly Disagree	There is almost no where to walk dogs, especially during summer months, and this would be awful if this was taken away as well. If this is what council suggests then what alternatives are to be given?	Disagree	Horses do not pose any greater risk than riding a bike.		The Trail has not been constructed to be suitable for dogs or horses
78	Strongly Agree	I am a caregiver for my autistic nephew. He loves walking in nature but has a fear of dogs. We choose to walk on tracks with no dogs. Dog users never consider there are other reasons for opposing dogs	Strongly Disagree	How ridiculous. We are New Zealanders and are more than capable of safely using any track during night hours. Allow all relevant track info to be readily available and maintain tracks to standard	Agree		Strongly Agree	My autistic nephew loves walking in nature. With a major fear of dogs, the option to walk on a dog free track is paramount for him. Dog users never think about other reasons for a dog free track	Neutral			Landowners do not want people using the Trail at night.
79	Neutral		Strongly Disagree		Agree		Strongly Disagree		Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
80	Disagree		Disagree		Agree		Strongly Agree		Strongly Agree			Landowners do not want people using the Trail at night.
81	Neutral		Disagree		Agree		Strongly Disagree	It a great way to train your dog and exercise at the same time	Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
82	Strongly Disagree		Neutral		Neutral		Strongly Disagree	There are dismally few public areas of the Far North where dog owners can exercise their dogs off leash. The cycle trail should be an allowable area for dogs under control either on or off leash.	Neutral			The Trail has not been constructed to be suitable for dogs
83	Disagree		Neutral		Disagree		Strongly Disagree	On a lead and under control at all times I do not see what the problem would be	Neutral			The Trail has not been constructed to be suitable for dogs
84	Agree		Agree		Agree		Strongly Disagree	All too often do we see restrictions on Dogs . Open to walkers with dogs on leads. With a few more dollars spent on doggie doo disposal facilities this trail could be open too far more to enjoy				The Trail has not been constructed to be suitable for dogs

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85	Disagree				Disagree		Strongly Disagree	There is plenty of room from Kawakawa to Opuia for dogs and cyclists, to create a family fun day for all. This part of the track is not doc land.	Neutral			The Trail has not been constructed to be suitable for dogs
86	Disagree				Disagree		Strongly Disagree	There is plenty of room from Kawakawa to Opuia for dogs and cyclists, to create a family fun day for all. This part of the track is not doc land.	Neutral			The Trail has not been constructed to be suitable for dogs
87	Strongly Disagree		Strongly Disagree		Strongly Disagree		Strongly Disagree	should be fair for all	Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
88	Agree		Disagree		Agree		Strongly Disagree	Dogs are a very valuable part of many families and they teach our children many important lessons in life. They also provide many people with a reason to get out of bed on the mornings to take them out	Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
89	Strongly Agree		Agree		Strongly Agree		Strongly Disagree		Strongly Agree			The Trail has not been constructed to be suitable for dogs
90	Disagree	As a user of the trail the by law only creates nuisance limiting access to use as way to bike to employment before sunrise and creates barriers to walking my dog with my family as a responsible owner	Strongly Agree	Many Affco employees utilise this cycle way as a means to bike to Work, my partner included, at 3-6 am. The alternative route being the 3 bridges is not an option.	Neutral		Strongly Agree	It is up to the owner to manage their dog with fines in place if not doing so. We are a country of nature, don't take that away. This inhibits physical activity in a time of horrific health stats.	Neutral		Please don't let us in Northland become so restricted by rules. The benefits of living here is lifestyle not city ways. Encourage outdoors, don't enable disconnect from the environment	The Trail has not been constructed to be suitable for dogs. Landowners do not want people using the Trail at night.
91	Neutral	Council please supply reasoning as to why this bylaw is necessary at all. Is it from some lunatic fringe complainant with obsessive compulsive disorder?	Strongly Disagree	Trail used by workers at Affco meat works to get to and from work by bicycle, avoiding road deaths by not cycling on busy dangerous roads. Council please supply reasoning against this safety measure.	Strongly Disagree	Attempting reduction of subsistence economic activity through regulatory capture in a negative wage growth environment is inhumane.	Strongly Disagree	Council to provide dog litter bins and facilitate responsible dog ownership.	Strongly Disagree	A horse is simply a large sentient bicycle with legs.		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
92	Neutral		Strongly Disagree		Agree		Strongly Disagree	Simple question where do they exercise in my area and if there is a concern why don't you just ask them to be leashed or muzzled if required .	Neutral			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
93	Strongly Disagree	Why is the council always hassling good dog owners and fining them? Instead of policing and fining the minority owners whose dogs do the most damage aren't registered and wander the streets unabated?	Strongly Disagree	Who comes up with this shit?	Strongly Disagree		Strongly Disagree		Disagree	Just like dogs, horses are good so long as poo is picked up		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
94	Disagree	Dog walking on the cycle trail need not be a nuisance if the owners pick up the droppings	Strongly Agree		Strongly Agree		Strongly Disagree		Agree			The Trail has not been constructed to be suitable for dogs
95	Agree	Although it's ideal to set boundaries, they need to be tailored to include activities undertaken by persons acting in a responsible manner, I strongly disagree with blanket bans i.e. no dog walking	Strongly Agree		Disagree	This activity should be subject to approval, i.e. if a house owner who bounds track want to sell fresh fruit, to passers by they should be allowed to apply for hawkers license etc.	Strongly Disagree	Dog walkers are a large part of our community, restrictions need to be tailored to include activities undertaken by persons acting in a responsible manner, I strongly disagree with a blanket ban..	Strongly Disagree	Horse riding is part of our community activities, there are very few places of access and the restrictions should be limited to no galloping .		The Trail has not been constructed to be suitable for dogs or horses
96			Neutral				Strongly Disagree		Neutral			The Trail has not been constructed to be suitable for dogs
97			Disagree	Workers use this trail to get to and from AFFCO. It is a safe alternative to walking along the state Highway. This is often outside daylight hours.	Disagree	Business should be encouraged.	Disagree	Also long as dogs are on lead and waste bins are provided there should be no need to ban dog walking.	Neutral			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs

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98	Neutral		Agree		Agree		Strongly Disagree	Dogs are not provided with an adequate area to exercise, the proposed Opuia beach by the ferry is a joke, there is no beach at Opuia at high tide! I often cycle with my dog who runs right beside me.	Neutral			The Trail has not been constructed to be suitable for dogs
99	Strongly Agree		Strongly Disagree		Strongly Agree		Strongly Disagree		Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
100	Neutral		Agree		Agree		Strongly Disagree	Dogs should be allowed on the trail, on leash and under control, only where the trail crosses private property perhaps there could be a restriction to comply with landowner's wishes.	Agree	Only because horses are very large animals and could be a hazard to other users.		The Trail has not been constructed to be suitable for dogs
101	Disagree		Strongly Disagree	whanau that have work at affco early hours in morning and night shift late at night and use bikes. Responsible dog owners shouldn't be penalised.	Disagree		Disagree		Agree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
102	Disagree		Strongly Disagree	The Trail between Kawakawa & Opuia and Kawakawa & Moerewa is used by walkers shift workers and shoppers responsible persons with dogs on leashes	Disagree		Disagree	As per previous comments	Strongly Agree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
103	Strongly Disagree		Strongly Disagree		Strongly Agree	This is a beautiful country don't spoil it with more rubbish and sites that are an eyesore.	Strongly Disagree	Why should cyclist be the only ones to access this track. Walkers and there dogs should be allowed to use the track also. This is a beautiful country that should be enjoyed by all inhabitants.	Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
104	Neutral	normal people know how to behave on a public walkway, the suggestion that after sunset and before sun up you have to be off the trail is ridiculous, you can still go for a walk with a torch	Strongly Disagree	the walkway is supposedly about healthy living options and fitness, some of us work in the day and late evening may be our only chance at exercise	Neutral	other than a coffee truck not sure where this question originates, maybe the land owners adjacent to it may want some activity to allow them to see a benefit of the access they allow.		I don't have dogs , but why would you stop someone with a dog on a leash from exercising their dog and self, ;law states if your dog bites someone you are liable, leash OK by me	Agree	Gates are in position to stop bikes (and horses), so cannot imagine anyone trying	The cycleway is all about healthy living and exercise , stopping dog owners is silly if the dog is leashed, the after hours louts is obvious if they have someone else's possessions arrest them.	The Trail has not been constructed to be suitable for dogs or horses. Landowners do not want people using the Trail at night. There is not a means of effectively policing or supervising the Trail at night.
105	Neutral		Neutral		Neutral		Strongly Disagree	Many responsible dog owners would like to be able to take their dogs along the track. There is a huge lack of places to take your dog in NZ .	Neutral			The Trail has not been constructed to be suitable for dogs
106	Strongly Disagree		Strongly Disagree		Strongly Disagree		Strongly Disagree		Strongly Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses
107	Disagree		Agree		Neutral		Strongly Disagree	Should be permitted if on a leash.	Agree			The Trail has not been constructed to be suitable for dogs
108	Agree		Agree		Agree		Strongly Agree		Strongly Agree			The Trail has not been constructed to be suitable for dogs or horses
109							Strongly Disagree					The Trail has not been constructed to be suitable for dogs
110	Agree		Agree		Neutral		Strongly Disagree		Neutral			The Trail has not been constructed to be suitable for dogs
111	Disagree	This track is well used by locals who are responsible for their dogs, for walking, cycling, running and exercise, all users I have encountered have only had positive experience.	Neutral	Cameras to discourage undesirable behaviour	Agree	Keep the area peaceful and relaxing	Strongly Disagree	Well used and one of the few areas dogs can exercise and socialise freely	Disagree	Nonsense, most horse riders are very safety conscious	Most people are responsible as this makes up a peaceful society. Blanket bans and rules work for most but the people/dogs who the rules are made to keep away generally ignore rules in my observations	Cameras may require lighting and may not be affordable or effective. The Trail has not been constructed to be suitable for dogs or horses

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112	Neutral		Strongly Disagree	This will prevent people getting safely to work at Affco from Kawakawa.	Neutral	Such as what!?	Strongly Disagree	The rule could be that they must be on a lead. This discourages physical activity, especially for families who enjoy walking together with their pet. Encourage responsibility!!	Strongly Disagree	Again, encourage responsibility. This would provide a safe riding environment off a very unsafe road.	With so many restrictions, it makes it hardly worth having. Encourage people to use it responsibly and be respectful of each other rather than saying no, no, no. No use in the dark? Oppressive!!	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs.
113	Disagree	Would just push behaviour to another part if town	Strongly Disagree	I sometime run with my dog for protection. By optimal run sessions are early hours before light. This would prevent me from running this area and dogs are a good comfort companion for me	Agree		Strongly Disagree	Restrict to on leash only	Disagree	Is there another way unless you want them on the bridges?		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses.
114	Agree		Neutral		Agree		Strongly Agree		Strongly Agree			
115	Strongly Disagree	I submit there should be no bylaw at all.	Strongly Disagree	I submit there should be no bylaw at all.	Strongly Disagree	I submit there should be no bylaw at all.	Strongly Agree	I disagree with any having dogs anywhere.	Strongly Disagree	I submit there should be no bylaw at all.	I cannot see how you have any right to make such a bylaw. I see it as being none of your business at all.	The Bylaw is an expectation of the landowners so that the access across their land is managed. Landowners do not want people using the Trail at night.
116	Agree	In part - there are two areas of concern for myself as a local resident who the Cycle Trail affects, as well as a regular user of the Cycle Way.	Strongly Disagree	it is important that the trail between Kawakawa and Moerewa is accessible at night for those walking, biking, running between the 2 towns and those going to work at AFFCO - or they will be on SH1.	Strongly Agree		Disagree	As long as the dog is restrained safely and people clean up after their animals I can't see an issue.	Strongly Agree		Making cycle trails accessible for everyone is important, however safety is a major issue. Stopping motorbikes is my major concern, not times it can be accessed or people walking their dogs	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs.
117							Strongly Disagree					The Trail has not been constructed to be suitable for dogs.
118	Agree		Disagree		Agree		Strongly Disagree		Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses.
119	Agree		Disagree		Agree		Strongly Disagree		Neutral			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs.
120	Disagree		Disagree		Neutral		Disagree	I agree that dogs must be kept on a leash.	Disagree			Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses.
121							Strongly Disagree	At least some parts of the trail could accommodate dog walkers without imposing a great risk on fragile animal life or intolerable inconvenience to other users.				The Trail has not been constructed to be suitable for dogs.
122	Agree		Strongly Agree		Strongly Agree		Strongly Disagree	Dogs need exercise. Responsible owners in the far north are the most heavily restricted in the country. Dogs are an integral part of the family. A pleasant walk with one's dog is part of everyday.	Neutral			The Trail has not been constructed to be suitable for dogs.
123	Strongly Agree		Strongly Agree		Strongly Agree		Strongly Disagree		Neutral			The Trail has not been constructed to be suitable for dogs.
124	Strongly Disagree	People who would spend their time to walk the trail would be more likely to treat it with respect it. And I would hope that the council would provide things like signage and rubbish facilities	Strongly Disagree	People for a multitude of reasons sometimes walk out of these hours, me being one as it is quite often the only time I have available to walk and know the dangers, if any and again with a companion	Strongly Agree	Nature and the walk should be respected and retained for all, not for commercial gain	Strongly Disagree	Good owners who would spend their time walking dogs are would be more likely to treat and train their dogs who are more likely a companion. and more respectful of their surroundings and others	Neutral	Are they compatible to the trail, always wide enough, taking into their size and the collection and removable of their refuse? And with their size any damage to the trail would be a concern	My dog is my companion & all I have with the passing of my partner, he's well trained & cleaned up after & on a leash. People who take the time to walk their dogs are normally very respectful of others	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses.
125	Agree		Neutral		Agree		Strongly Disagree		Neutral			The Trail has not been constructed to be suitable for dogs.
126	Disagree	Is there evidence of the necessity for a bylaw and if so how will it be policed. Is this a legit use of ratepayer funds??	Agree		Agree		Strongly Disagree	Dogs on leash should be permitted. Use Opua end regularly, no problems with other users. Contacts always positive. Dog walking not contrary to general purposes of by-law.			Penalty provisions are draconian!! Question ability of Council to enforce. Who is driving By Law. Is there public interest behind proposals!!	The Bylaw is required as part of the agreements to cross private land. The Trail has not been constructed to be suitable for dogs or horses.
127	Agree		Agree		Strongly Agree		Strongly Disagree		Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses.

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128	Strongly Disagree	All different modes of transport & exercise share the roads(trucks, motorbikes, cars, runners, cyclists, walkers), so why can't a walkway be able to abide by the same etiquettes.	Strongly Agree		Strongly Agree		Strongly Disagree	There is such a limited exercise areas for dogs & owners. I have seen a lot of elderly dog owners using this walkway, perfect for all weather terrain.	Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses.
129	Strongly Disagree		Strongly Agree		Strongly Agree		Strongly Disagree		Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses.
130	Strongly Agree		Agree		Neutral		Strongly Disagree	There are few existing areas dogs can be exercised, under control, in the BOI area. Responsible dog owners and their dogs need recreational areas to exercise too.				The Trail has not been constructed to be suitable for dogs.
131	Strongly Disagree		Neutral		Agree		Strongly Disagree		Neutral			The Trail has not been constructed to be suitable for dogs.
132	Agree		Agree		Agree		Strongly Disagree	I think dogs on leash's would not present a health & safety problem or be a public nuisance. They would be controlled and used to going along with their cyclist owner.	Strongly Disagree	Cattle are allowed to cross the trail, so animal poo obviously isn't an issue. Horses are allowed on NZ most famous trail The Otago Rail Trail. Could be our point of difference!	The trail is short so will attract day trippers. Horseriders go at a slower pace and may stay overnight en route (cyclists wont). Additional revenue stream. FNDC has very few options for horse riders.	The Trail has not been constructed to be suitable for dogs or horses.
133	Strongly Agree		Agree	I would like to see the opportunity for landowners along the trail to offer cultural experiences, accommodation and/or refreshment stops for users.	Disagree	Limited, Council approved activity should be encouraged to optimise benefits to both users and landowners. (As per Otago Rail Trail).	Agree	UNLESS it is a controlled working dog, rounding up wandering stock.	Strongly Agree	Horses are "unpredictable" to most of the general public and that can cause danger to both horse riders and cyclists/walkers sharing a small space.	Would "weekly" walking groups need to apply for permission to use occasionally? Thank you for the opportunity to submit, and for Council input on developing this plan and the trail.	Landowners can provide opportunities, but not immediately adjacent to or on the Trail.
134	Agree	I agree that there should be something in place to protect the public from nuisance and undesirable behaviour by users of the Trail.	Strongly Disagree	I know people who use the trail to bike to/from work, namely Affco. They will have to find alternative transport which may not be an option OR have to bike on SH1, which is dangerous.	Agree		Disagree	If dogs are leashed and with the owner they should be allowed on the trail. Most people prefer to take their dogs on the trail to prevent wondering and vicious dog attacking their dog.	Neutral	I'm neither here nor there on this point.	This trail is often the only way that people move between Kawakawa/Moerewa. It is the safest way for whanau to travel and needs to be protected for those who are not a nuisance or undesirables.	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs
135	Strongly Agree		Agree		Neutral		Disagree	Dogs which are under control at all times should be ok	Strongly Disagree	Horse riders need to have designated tracks too so why not allow them to use a track alongside. The Kapiti Coast council make special provision for horses .The new expressway allows a horse track too	Please consider the horse riding public. In the UK there are bridleways all over the country.	The Trail has not been constructed to be suitable for dogs or horses.
136	Agree	So long as it allows the Public full access to peacefully follow all of the many uses that can be made possible.	Agree		Strongly Agree		Strongly Disagree	I believe that responsible Dog owners should be able to walk their Dogs on these Cycle Ways and in the cases where there are issues with specific Dogs, they are the Dogs that should be BANNED.	Agree		On moving to Waimate North last year be have been surprised at the restricted places that we can walk our Dog. It seems unreasonable that Public Funded Walkways should be restricted from multiple use.	The Trail has not been constructed to be suitable for dogs.
137	Neutral	The one thing on all animal lovers minds is not to BAN DOGS this would be a big blow to the law abiding dog owner who enjoys a walk with there pet along a picture perfect walk.	Neutral		Neutral		Strongly Disagree	As from before this would hurt law abiding people very bad, who ever thought of this needs to have a better understanding of mans best friend and the need for a walk along a great enjoyable place.	Neutral		There will be a human outcry if DOGS are banned hundreds of people will sign a petition against such an idea if it goes through. WE EMPLOY COUNCILERS TO HELP US NOT HINDER US. Not happy at all with this.	The Trail has not been constructed to be suitable for dogs.
138	Strongly Disagree		Strongly Disagree		Strongly Disagree		Strongly Disagree		Strongly Disagree			The Trail has not been constructed to be suitable for dogs or horses.
139	Agree		Disagree	Does not make sense	Neutral		Strongly Disagree	great activity for locals and their beloved dogs. Dogs may need to be at a leash and may also have to wear a muzzle (kiwis). Don't take away another track from responsible dog owner in the Far North	Strongly Disagree	Call the responsible horse owners. Maybe introduce a "plate" for horses that has to be worn in order to take horse on trail	The trail should be open to be equally used by FN residents and visitors as well as their dogs and horses. Why should only one group be allowed to use the trail while all FNDC residents pay rates?	The Trail has not been constructed to be suitable for dogs or horses.

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140	Strongly Disagree	I am concerned that although there will be rules in place there may be a lack of funding in the council budget for enforcement by council staff which may let down the usefulness of this bylaw.	Disagree	No sufficient space for additional comment see attachment.	Strongly Disagree	How are businesses supposed to hire out their bikes?	Strongly Disagree	refer to attachment on this	Strongly Disagree	This needs to be dealt with similarly to dogs. Portions of trail may be suitable in some areas.	200 characters to get across my points regarding exclusions during night time and the dog exclusion is not acceptable. Â But I will lodge it by RFS, thank you very much Can't even attach photos!	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses. Submitters are welcome to send as much information as they wish by post or email. We will ensure that this is made clear for futre processes.
141	Agree		Agree		Neutral		Strongly Disagree	We live in a district with severely restricted and prohibited dog walking areas, so it seems unreasonable to ban dogs here as well ! Families have bicycles and dogs ! Dogs need somewhere to walk !	Disagree	I have no objection to horses on the track, considering the number of gates it would not be possible !		The Trail has not been constructed to be suitable for dogs or horses.
142	Agree		Agree		Agree		Strongly Disagree		Neutral		The trail should be shared and enjoyed and not only for a small group of people	The Trail has not been constructed to be suitable for dogs.
143	Neutral		Strongly Disagree	This reduces usefulness of the trail, does not increase safety for users of the trail, and criminalises ordinary behaviour. The trail is certainly safer than the roads for people traveling after dark.	Neutral		Disagree		Disagree		A busy trail is a safe trail - and the more people who can enjoy it, the better!	Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses.
144	Neutral		Neutral		Agree		Disagree	Walking a dog and riding a bike are a great way to exercise. The dog obviously should be on a lead.	Disagree	As long as they pick up its poo as all dog owners should.	Apply commonsense. The cycle trail is well set up and has made it very difficult for motorcycles and cars to enter.	The Trail has not been constructed to be suitable for dogs or horses.
145							Disagree	As a safety measure, we have a concern when you say (NO DOGS) allowed on the cycle Trail corridor. Our teens have their dog to accompany them whilst exercising as a protective measure.				The Trail has not been constructed to be suitable for dogs.
146							Disagree	I disagree with section 6.13 of the draft bylaw excluding dogs from the cycle trail. Limiting this resource away from responsible dog owners is counterproductive and a limitation of rights/freedom.				The Trail has not been constructed to be suitable for dogs.
147											Federated Farmers strongly supports the intention behind the bylaw They have noted several sections they feel require rewording or alternative emphasis to make the bylaw appropriate and effective.	
148			Disagree	It is bizarre to restrict use of the trail to daylight hours. I can see no reason for it other than an assumption that anyone out after dark must be up to something nefarious.			Disagree	While there may be areas of the trail where dog access needs to be restricted, such local restrictions ought to be exceptional, rather than the default. It is unfair, unreasonable and wasteful.			The bylaw is applied too generally, both in terms of applying rules to the full length of the trail that ought to apply to specific sections and in terms of restricting access.	Landowners do not want people using the Trail at night. The Bylaw applies to the whole Trail because otherwise it would be hard to enforce and explain and may not be consistent with the agreements made with landowners.
149			Disagree	I live beside and regularly run the track behind Moerewa School down to Affco and back, sometimes outside the period from 30 minutes after sunset to 30 minutes before sunrise.			Disagree	I take my dogs on the track with me and there has never been an issue.			I urge you to consider what you are trying to achieve. A Blanket clauses that disadvantage many, when there might be more specific ways to deal with localised issues penalise when there is no cause to	Landowners do not want people using the Trail at night. Using the Trail at the times specified would be allowed under the Bylaw. The Trail has not been constructed to be suitable for dogs. The Trail is expected to become busier.

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150										I would like to contest the fact that you are not allowing horse riding to enjoy the trail alongside bikers and walkers. There needs to be a way riders can enjoy this too.		The Trail has not been constructed to be suitable for horses.
151										I would like you to give earnest consideration to also allowing horse riding along the Cycle Trail. If it is not possible along the entire length, then at least on some sections.		The Trail has not been constructed to be suitable for horses.
152											We support the "Draft Pou Herenga Tai - Twin Coast Cycle Trail Bylaw" in principle, but have suggestions for improvement.	
153											The five farmers who allowed the cycleway to go through their land in the Utakura Valley have a legal agreement with Council for access. If Council wishes to change terms they must negotiate with us.	The Bylaw is consistent with the easements and has been shared with the legal representative of the landowners in the Utakura Valley.
154	Strongly Disagree		Disagree		Neutral		Strongly Disagree	where in Morewa can we exercise our dogs . on the main rd. . in front of cars and trucks . NO so make us dog owners somewhere safe to exercise or dogs.	Strongly Disagree	we as dogs owner's have to pick up after our dogs there fore so should the horse owners		Landowners do not want people using the Trail at night. The Trail has not been constructed to be suitable for dogs or horses.
155	Neutral	To encourage outdoor exercise.	Agree		Strongly Agree		Strongly Agree		Strongly Agree		Please enforce appropriately.	
156	Agree		Agree		Agree		Strongly Disagree	On a leash.	Agree	Can be spooked by passing bikes. Horses can be used to carry stolen goods.	Stop at tunnel entrance so your eyes get used to the dark.	The Trail has not been constructed to be suitable for dogs.
157	Agree	This "will protect the public" ...and adjacent landowners	Agree		Agree		Agree		Agree		Prohibit the use of cars and motorbikes, camping and littering. Support that people follow a cycle trail code.	
158									Strongly Disagree	The submitter is working towards having a tourism business based on horse treks on the cycle trail.		The Trail has not been constructed to be suitable for horses.
159	Agree	This bylaw will be enacted to enable council to enforce certain breaches and offences on the Pou Herenga trail. Seems to me that what they propose are sensible bylaws										
160	Agree	What defines nuisance?	Agree		Agree		Disagree	Could be subject to "under control"	Disagree	Horse riding along or in groups is a form of exercise.	Further comments have been made in relation to access and usage.	The Trail has not been constructed to be suitable for dogs and horses. Nuisance is defined in the Health Act 1956 and is an accepted legal term.

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: DOG CONTROL ACT 1996 - ANNUAL REPORT 2015/16

Author: Ken Thomas - Team Leader Animal Management and
Neil Miller - Team Leader Policy and Research

Date of report: 25 August 2016

Document number: A1758990

Executive Summary

The purpose of the report is to provide annual information for the 2015-16 financial year to the Department of Internal Affairs as required by the Dog Control Act 1996. Section 10A of the Act requires each territorial authority to report on its dog control policy and practices and provide specific statistical information.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT Council approve the Annual Report;

AND THAT a copy of the report be sent to the Secretary for Local Government;

AND THAT Council give public notice of the report by means of a notice published in the Northern Advocate.

1) Background

The Dog Control Act 1996 section 10A requires all territorial authorities to report annually to the Department of Internal Affairs on their dog control activity. The information assists central government to assess national trends and developments. This requirement below came into place through the Dog Control Amendment Act 2003, which came into force on the 01 December 2003:

2) Discussion and options

Far North District Council recently changed the name of its dog control services department from Animal Control to Animal Management.

The focus of activity was to reduce the number of unregistered dogs. Nearly 500 more dogs were registered. As a result there were more Menacing Classifications of American Pitbulls / Pitbull Crosses identified through the field work registration check process. Less infringement notices were issued for failing to register.

Fewer complaints were received for attacks, straying and rushing.

Council rehomed 302 dogs in the 2015/16 year, which is a 10% increase on 2014/15.

Council has reviewed and begun the process of consulting on a revised Dog Control Bylaw and Policy 2006.

Far North District 01 July 2015 to 30 June 2016	Number
Registered Dogs	9797
Probationary Owners	0
Disqualified Owners	0
Dangerous Dog Classifications	1
Menacing Dog Classifications s33A	3
Menacing Dog Classifications s33C	126
<ul style="list-style-type: none"> • American Pit Bull Terrier 	126
Infringement Notices Issued	234
<ul style="list-style-type: none"> • Allow dangerous dog un-muzzled s62(4) • Fail to comply with Bylaw s20(5) • Failure to keep dog controlled or confined s52A • Failure to keep dog under control s53(1) • Failure to register dog s42 • Failure to supply or providing false information s19A(2) 	0 9 12 43 170 0
Dog related complaints received	1832
<ul style="list-style-type: none"> • Attacks • Straying • Rushing • Barking • Other (Dog Pickups) 	162 522 122 341 685
Prosecutions taken	1

3) Financial implications and budgetary provision

There are no budgetary implications to this report (apart for the cost of a newspaper advertisement).

4) Reason for the recommendation

To inform the public and comply with the Dog Control Act 1996 section 10A.

Manager: Dr Dean Myburgh - General Manager District Services Group

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Dog Control Bylaw 2006 and Dog Policy.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	No specific implications.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Public notification of the report that will be published on the Council website.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	No
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	District wide significance.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	There are no financial implications or need for budgetary provision. The Chief Financial Officer has not reviewed this report.

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: PROPOSED DRAFT DOG CONTROL BYLAW AND DOG POLICY

Author: Neil Miller - Team Leader Policy and Research

Date of report: 27 July 2016

Document number: A1742510

Executive Summary

The purpose of the report is to propose a revised Dog Control Bylaw and Dog Policy for public consultation.

The Dog Policy was adopted in 2006 and requires updating to reflect changes in legislation and best practice. The existing Bylaw was adopted in 2006 and has been reviewed in a report to Council on 15 June 2016. Changes have been made to the proposals that were presented to Council at that time. This report details the further changes to the proposed Bylaw and Policy as a result of consultation with Community Boards and further community conversations.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

AND THAT Council consults on the proposed Draft Dog Control Bylaw 2016;

AND THAT Council consults on the proposed Draft Dog Policy 2016.

1) Background

The existing Bylaw and Policy were adopted in 2006 and require updating. The Dog Control Act 1996 section 10AA requires that Council must review the Dog Policy if the Bylaw requires review. On 16 June Council 2016 determined that a Dog Control Bylaw is the most appropriate way of addressing the problem.

Te Hiku Community Board on 27 June, Kaikohe-Hokianga Community Board on 28 June and Bay of Islands-Whangaroa Community Board on 29 June 2016 resolved to recommend to the Regulatory and Environment Committee that the proposed Draft Dog Control Bylaw 2016, and the proposed Draft Dog Policy 2016 be adopted by Council for public consultation. Bay of Islands-Whangaroa Community Board also recommended that the Committee consider comments from the Community Board made to staff at this meeting regarding changes to the proposed Bylaw and Policy.

2) Discussion and options

Two options are discussed below:

Option 1 Consult under the Special Consultative Procedure on the proposed Draft Dog Policy and Dog Control Bylaw 2016

The proposed Draft Dog Policy and Dog Control Bylaw 2016 introduce significant changes from the previous Dog Policy and Dog Control Bylaw 2006. These are summarised in the report to the Regulatory and Environment Committee on 2 June 2016. The most significant proposed changes include:

- substantial redrafting to simplify the regulations so far as possible under the requirements of the Dog Control Act 1996;
- increased requirements for the neutering of dogs;
- the introduction of a new category of Responsible Dog Owner;
- changes to the schedules setting out dog prohibited, dog restricted and dog exercise areas;
- the introduction of protected wildlife areas.

A large number of minor changes have been made to the proposed Draft Bylaw and Policy as a result of the feedback received from the Community Board meetings. Most of these are detailed wording changes and the subsequent changes have been tracked in the Bylaw and Policy documents attachments 1, 2 and 3 to this report.

One significant alteration is to allow (rather than prohibit) dogs to be left unattended in public places provided they are muzzled or within view. This is to protect children and other people who may approach the dog which is more likely to bite as it cannot get away from unwanted attention.

Another issue that from feedback is that whilst people consider small dogs may be less problematic, small dogs out of control can agitate larger dogs, bite people and attack wildlife. Officers do not consider that the size of the dog to be as important as the level of control the owner has over the dog.

This table below sets out significant changes to the proposed schedules made as a result of the feedback received from the Community Board meetings:

Area	Change	Reason
English Bay Beach	Return to prohibited from exercise area	At the request of the Community Board.
Kaikohe	Not to include land off Memorial Drive as an exercise area and continue to investigate other options	The land is contaminated.
All beaches	Remove Mean High Water (or equivalent) and replace with Mean Low Water Spring Tides Dogs must remain on the boat at all times to protect island wildlife sanctuaries.	Advice from Department of Conservation and Northern Regional Council to protect wildlife. This makes restrictions on beaches clear (no dogs on the sand). The Eastern Bay of Islands are the focus on an ecological restoration Project Island Song is a partnership between Te Hapu o te Rawhiti (Ngati Kuta and Patukeha), DOC and the Guardians of the Bay. DOC responds to a number of calls of dogs being on islands over the summer season. The best way to protect wildlife is to stop dogs landing on the islands.

All beaches	Remove 'blanket' winter on leash restrictions from most beaches	Most beaches are not busy in the winter months and vulnerable birds nest in the summer season. Dogs must remain under control at all times.
Sportsfields	Remove prohibition and replace with dogs on leash at all times	Dogs are not encouraged on sports fields. However, people walk through these areas with their dogs. Anyone allowing their dog to foul a public place is liable to an infringement fee.
Protected Wildlife Areas	Consider allowing dogs on leash at L T Hirst Reserve (near Russell) and Hongi Hika Recreation Reserve, Kerikeri. Other species (such as Weka) added.	DOC response to request from Community Board is to look at starting the process to Gazette changes. Ensure that all protected wildlife is covered.
Restrictions in urban areas	Schedules revised to more accurately capture the urban zones. Some potential extensions identified.	Urban areas lack appropriate places to exercise dogs and barking can cause a nuisance. The Statement of Proposal can allow for community consultation about the limits in terms of the exact area and number of dogs.

Dog Restriction Zones

This restriction is intended to apply to urban areas where there are smaller lot sizes with a greater likelihood of nuisance to neighbours. An Urban Area was defined as a contiguous area containing a population of approximately 500 or more with a distinct commercial and/or industrial core. This may include an extended Urban Area of settlement not contiguous with an urban area; that is between multiple urban areas by less than a distance of two kilometers, and exhibits similar density to the urban areas. The maps included in the Schedule include all residential, coastal residential and commercial parcels. In addition, rural living, coastal living parcels under 200 hectares, proximate to roads 50km and under, and part of a contiguous urban area.

This methodology would result in minor Boundary Shifts for Haruru and Paihia, Russell and Okiato, Kaikohe and Kerikeri. It also shows three potential new zones:

- Awanui
- Pukenui
- Tokerau Beach

The Dog Restriction Zones could be presented as options in the final Statement of Proposal with the Community Boards having suggested that there may be useful discussion about the merit and applicability of such restrictions. In addition there is some debate about the optimum number of dogs to restrict (currently two dogs per household) in areas with Protected Wildlife Zones. Council could retain the existing zones only (as amended to take account of changes over the past ten years). Detailed maps have been prepared to present the options.

Option 2 Status Quo.

This would mean that the Dog Control Bylaw and Policy, having been reviewed, will remain unchanged.

This option is not recommended as there has been significant public feedback that changes are required and advice from government that Councils need to reconsider how they approach their dog control activities.

Option one is the preferred option recommended by staff as it would provide for improved dog control and welfare and respond to community feedback.

Dog Policy

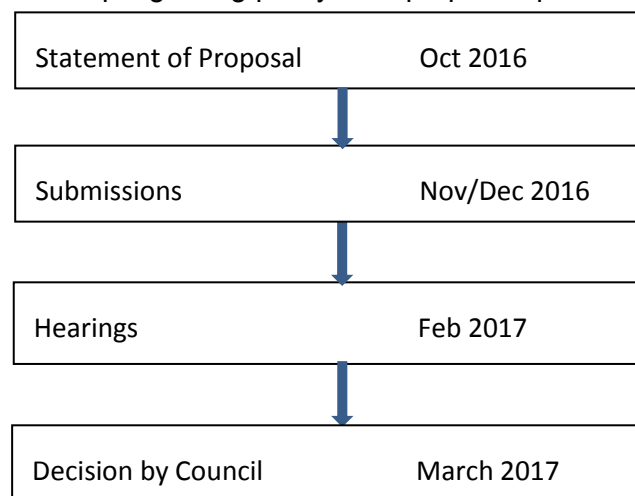
The Dog Control Act 1996 section 10 sets out a duty of territorial authorities to adopt policy on dogs

The Draft Dog Policy also replaces, and includes the substance of, Policy # 3113 - Dog Registration - Waiver of Penalty Fee; Withdrawal of Prosecution.

The Schedules also include a list of Dog Controlled - No Access areas as required by the Dog Control Act 2006 section 10.

Consultation and decision-making process

The LGA 2002 s 156 states that a Special Consultative Procedure (SCP) is required to propose a new bylaw if the proposal is of significant interest or impact. The proposed Draft Dog Control Bylaw and Dog Policy have a significant impact upon dog owners and the public. Further, the Dog Control Act 1996 s 10 requires the SCP for adopting a dog policy. The proposed process and a potential timeline is below:



3) Financial implications and budgetary provision

There is a cost to carrying out any consultation, especially an SCP. The consultation for this Bylaw has been budgeted for.

4) Reason for the recommendation

Council has determined that a Dog Control Bylaw is the most appropriate way of managing the problem of dogs and public safety. A dog policy is required under s10 of the Dog Control Act 1996 and must be reviewed when a dog bylaw is reviewed. Substantial changes have been proposed to improve dog control and welfare. There has been consultation with the Community Boards.

The recommended next step is for Council to seek public feedback through the Special Consultative Procedure to progress this Policy and Bylaw. There is insufficient time to commence consultation under this outgoing Council.

- Manager: Dr Dean Myburgh - General Manager District Services Group
- Attachment 1: Proposed Draft Dog Control Bylaw Tracked Changes - Document number A1742491
- Attachment 2: Proposed Draft Dog Policy Tracked Changes - Document number A1742492
- Attachment 3: Proposed Draft Dog Policy and Dog Control Bylaw Schedules Tracked Changes - Document number A1742476

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 s 77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,-
 - a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) assess the options in terms of their advantages and disadvantages; and
 - c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to section 79 - Compliance with procedures in relation to decisions.

<p>Relationship with existing policies and Community outcomes.</p>	<p>The proposed policy would replace the current Dog Registration policy.</p> <p>The District Plan restricts commercial kennels to rural areas. District Plan Chapter 12 on Natural and Physical Resources Section 2 - Indigenous Flora and Fauna and Policy states: "In order to protect areas of significant indigenous fauna:</p> <p>(a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;</p> <p>(b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.</p>
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Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	None identified.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Yes, dog owners will be particularly impacted and it is proposed to write to all dog owners to encourage their participation in the SCP.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Yes, this matter is significant to dog owners and to the wider community.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	This is a district wide matter. Community Boards were consulted at their June meetings.
Financial Implications and Budgetary Provision. Chief Financial Officer review	There are no direct budgetary implications. The costs associated with the establishment of this Bylaw and Policy have been budgeted. The Chief Financial Officer has not reviewed this report



**FAR NORTH DISTRICT COUNCIL
DOG CONTROL BYLAW 2016**

To come into force XXXXX

1.0 Short Title, Commencement and Application

1.1 The title of this bylaw is the Far North District Council *Dog Control Bylaw 2016* and comes into force on xxxx 201x.

1.2 This bylaw applies to the Far North District.

1.3 This Bylaw is due for review by xxxx

2.0 Former Bylaw Repealed

2.1 As of the date this bylaw comes into force the following bylaw is hereby repealed:

The "*Far North District Council Dog Control Bylaw*"

2.2 All approvals, permits and other acts of authority that originated under the *Far North District Council Dog Control Bylaw*, and all applications, shall for the purposes of this bylaw continue as if they had originated under this bylaw.

2.3 The revocation of the *Far North District Council Dog Control Bylaw* shall not prevent any legal proceedings, criminal or civil, being taken, to enforce these bylaws and such proceedings shall continue to be dealt with and completed as if the bylaw had not been revoked.

3.0 Interpretation

AT LARGE means at liberty, free, not 'on a leash' as defined in this section.

AUTHORISED OFFICER means any person appointed or authorised by the Council to act on its behalf and with its authority, including a member of the Police.

BEACH means the area of shoreline above mean high-low water spring tides and any adjoining land in public ownership.

CONFINED means enclosed securely in a building or tied securely to an immovable fixture on a premise or within an enclosure from which the dog cannot escape.

CONTROL means that the dog is not causing a nuisance or danger and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles or other effective means. Where the dog is not required to be on a

leash, and other than in a designated dog exercise area, it is not allowed to be any more than 10 metres distant or out of the line-of-sight of the handler.

COUNCIL means the Far North District Council.

COUNCIL OFFICER means any person authorised in writing by the Council and includes any Dog Control Officer or Dog Ranger appointed by the Far North District Council to carry out and enforce the requirements and obligations of this bylaw.

DANGEROUS DOG has the meaning in s 31 of the *Dog Control Act 1996*.

DISABILITY ASSIST DOG means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog in training to assist) a person with a disability as defined in Section 2 of the *Dog Control Act 1996*.

DISTRICT means the area under the control of the Far North District Council.

DOG CONTROL OFFICER means a Dog Control Officer appointed by the Far North District Council under Section 11 of the *Dog Control Act 1996*.

DOG OWNER means owner as defined in Section 2 of the *Dog Control Act 1996*.

HUNTING DOG means a dog used for hunting game provided that:

- (a) It shall be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed or permitted game hunter who is using the dog for the immediate purpose, of locating and/or retrieving game.
- (b) It shall also be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed firearms owner who is using that unleashed dog for the immediate purpose of locating and/or retrieving game.
- (c) In both (a) and (b), the onus shall fall on the hunter/shooter to demonstrate that he or she was entitled to legally be in that public place and to demonstrate that the unleashed dog was under their full control.

IMPOUND means to seize and impound any dog in accordance with the provisions of the *Dog Control Act 1996*.

INFRINGEMENT OFFENCE has the meaning given to it in s 65(1) of the Act.

LEASH means an adequate restraint, not exceeding 2 metres in length.

MENACING DOG has the meaning in ss 33A or 33C of the *Dog Control Act 1996*.

NEUTERED DOG means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

NUISANCE means anything annoying, harmful or offensive to a community or a member of it and always as defined by law.

ON A LEASH means that a dog is kept under control by means of a leash, which is attached to the dog, so that the dog cannot break loose, and the other end held by a person physically capable of restraining the dog.

PERSON includes not only a natural person but also a corporation sole and a body of persons whether incorporated or not.

PRIVATE WAY means any way or passage whatsoever over private land within the district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally.

PROTECTED WILDLIFE ZONE means any zone or area identified by a recognised authority as being an area where the New Zealand Dotterel, Banded Dotterel, Brown Teal, Blue Penguin, Weka and North Island Brown Kiwi either live or breed.

PUBLIC PLACE means a place that, at any material time, is open to or is being used by the public, whether for free or on payment of a charge.

RECOGNISED AUTHORITY means:

- (a) A Regional Council named in Part 1 of Schedule 2 of the *Local Government Act 2002*.
- (b) A Territorial Authority, being a city council or district council named in Part of Schedule 2 of the *Local Government Act 2002*.
- (c) A Unitary Authority as defined in Section 5 of the *Local Government Act 2002*.
- (d) The Department of Conservation.

RESERVE means any land under the control, administration, or ownership of the Council that is subject to the *Reserves Act 1997*.

RESPONSIBLE DOG OWNER means a Dog Owner who has been certified by Council as having all their dogs registered in the District for at least one year or ~~to~~ has attended and passed an approved Responsible Dog Owner Education and Obedience course; has not received a conviction under the Act or an infringement notice or had a dog impounded in the past year; has not been the subject of a substantiated public complaint in the past year; and, has not been classified as a Probationary or Disqualified owner.

SUBSTANTIATED COMPLAINT means a complaint where a Dog Control Officer considers that there is enough evidence to support a case in a court of law.

WORKING DOG means any working dog as defined in section 2 of the *Dog Control Act 1996* and for the purpose of this bylaw shall include Disability Assist Dogs and Hunting Dogs.

4.0 Control of Dogs in Public Places

PROHIBITED AREAS

- 4.1.0 Every Dog Owner must ensure that their dog does not enter or remain in any place designated as a Prohibited Area in the First Schedule of this Bylaw.

ON-LEASH AREAS

4.2.0 Every Dog Owner must ensure that his or her dog is kept on a leash in any public place or private way designated as a Leashed Area in the Second Schedule of this Bylaw.

4.2.1 Dog classified as Dangerous or Menacing must be muzzled whilst in a Leashed Area.

OFF-LEASH AREAS

4.3.0 Every Dog Owner may exercise his or her dog other than on a leash, but must keep the dog under continuous control at all times, in any other public area that is not designated as an on-leash or prohibited area.

4.3.1 It is the responsibility of the Dog Owner or person in charge of a dog to adequately control the dog, and be seen to be in control of the dog, so it will not cause a danger, distress or nuisance.

4.3.3 The person in charge of the dog in an off-leash area must be carrying a leash, and must be seen to be doing so.

4.3.2 Dogs classified as Dangerous or Menacing must be muzzled whilst off-leash in any public areas.

DOG EXERCISE AREAS

4.4.0 A Dog Owner may exercise their dog ~~other~~ off-leash but must keep the dog under control in any area designated as a dog exercise area in the Third Schedule of this Bylaw

4.4.1 Dogs classified as Dangerous or Menacing must be muzzled whilst in a designated Dog Exercise Area.

GENERAL PUBLIC ACCESS AREAS

4.5.1 No dog may be left unattended and tethered, at any time, to any apparatus whether it be fixed or otherwise in any public place at any time and ~~whether~~ unless the dog is muzzled.

4.5.2 ~~A dog will not be regarded as unattended if it is and not more than 10 metres distance from and within sight of the owner. -or not, in any public place at any time.~~

EXEMPTIONS

4.6 Clause 4.1.0 and 4.2.0 do not apply to the owner of:

- (a) a Working Dog while it is working; or
- (b) any dog which is confined completely within a vehicle or cage; or
- (c) any dog taking part in a special event approved by the Council such as a dog show or dog training seminar or any other organised dog event.
- (d) any dog with specific written approval exempting it from the requirements of clause 4.1.0 and/or 4.2.0.

5.0 Shelter/Housing

- 5.1 The owner of any dog or other person having charge of any dog shall provide adequate accommodation for that dog. If the accommodation is a kennel it is to be sited on a suitable hard surface, have wooden flooring in the sleeping area, be of appropriate size, and provide suitable shelter from the elements in that it must, at all times:
- (a) be weatherproof
 - (b) be dry
 - (c) be clean, and
 - (d) give the dog adequate space, warmth and shade.
- 5.2 If a kennel is not provided, dogs are to be confined inside premises, which comply with the requirements of 5.1.
- 5.3 Accommodation for dogs is to be kept in a clean condition at all times so as not cause a nuisance to any other person through visual, audible or olfactory disturbance.
- 5.4 No dog accommodation or place of confinement for any dog in any area shall be sited in a position whereby any dog connected to any such accommodation or place of confinement, whether by a chain or some other approved and humane device, can get tangled up or have its movements further restricted, by any other restrained dog or permanent fixture, other than that which would be normal for the device that it is connected with.
- 5.5 No dog accommodation or place of confinement for any dog in urban areas shall be sited in a position that allows any dog connected to it by way of a chain or some other approved and humane device, to be able to enter upon any other persons land or property.

6.0 Limitation on Number of Dogs

- 6.1 No person may keep a dog over the age of three months on any land or premises in any urban area identified in the Fourth Schedule of this Bylaw, which results in more than two dogs being kept on the land or premises.

~~6.2 Every application for a permit must supply the information that Council requires to issue the permit and must pay any fee prescribed from time to time by resolution of Council.~~

~~6.3 Council may place conditions on the permit and the holder must comply with them. If the holder fails to comply with the conditions the Council may cancel the permit whereby the holder then must comply with any and all conditions attached to the cancellation.~~

~~6.4 When a permit is cancelled by Council the holder will not be able to re-apply for a permit within 12 months of the cancellation.~~

7.0 Confinement of Dogs

- 7.1 The owner of any dog or other person having charge of a dog shall, during the period commencing half an hour after sunset on each day and ending half

an hour before sunrise on the next day, keep the dog tied up or otherwise confined, unless the dog is on a leash or under the control of the owner or handler.

8.0 Removal of Faeces

- 8.1 Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the Dog Owner must remove the faeces immediately and dispose of them in a suitable waste container.

9.0 Female Dogs in Season and Diseased Dogs

- 9.1 Every Dog Owner must ensure that every female dog in season is contained on their land or premises in such a manner that it cannot freely leave the land or premises but also that it is adequately exercised.

- 9.2 It shall be an offence to exercise any bitch in season in any public place.

- 9.3 Every Dog Owner must ensure that any dog infected with a contagious disease is contained on his or her land or premises in such a manner that it cannot freely leave the land or premises other than when being transported to a registered veterinary clinic for treatment.

- 9.4 It shall be an offence to exercise any dog infected with a contagious disease in any public place.

10.0 Neutering of Dogs

- 10.1 Where any Dog Owner fails to keep their dog under control on more than one occasion within a 12 month period, Council may, by written notice, require the owner to cause the dog to be neutered.

- 10.2 Where any dog has been impounded more than two times at any time throughout its life, and in the ownership of the same person, Council may require the neutering of that dog prior to the dog's release from the pound to its owner or any other person.

- 10.3 Where any dog is classified as Dangerous or Menacing and/or the owner is classified as Probationary or Disqualified, Council will require the neutering of that dog by written notice to the owner.

- 10.4 Where a written notice that a dog must be neutered has been given to the Dog Owner they must, within one month of receipt of the notice, produce to the Council a certificate issued by a registered veterinary surgeon certifying:

- (a) that the dog is or has been neutered; or
- (b) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate;
- (c) if a certificate under clause (b) is produced, the Dog Owner must within one month after the date specified in the certificate, produce a further certificate to the Council under clause (a).

11.0 Impounding

- 11.1 Any Authorised Officer may impound a dog found at large in breach of any provision of this Bylaw whether or not it is wearing a collar having the proper registration label or disc thereon or attached thereto.
- 11.2 Any Authorised Officer may impound a dog found tethered and unattended in breach of Clause 4.5.
- 11.3 Where any dog has been impounded the provisions of the Dog Control Act 1996 and Council's Standard Operating Procedures shall apply in relation to the dog's release.

~~11.4 The Council shall not be obliged to release any dog from any pound except during the following times:~~

- ~~(a) the Kaikohe Pound will be open on Monday to Friday (except public holidays) between 8:30am and 9:00am;~~
- ~~(b) the Kaitaia Pound will be open on Monday to Friday (except public holidays) between 9:30am and 10:00am.~~

12.0 Dogs In or On Vehicles

- 12.1 No person shall take a dog onto any public place in a motor vehicle or leave a dog in any unattended motor vehicle unless that person takes measures to render it impossible for the dog to get out of the vehicle without limiting the requirements of the *Animal Welfare Act 1999*.
- 12.2 Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is at all times kept under control by a chain or any other suitable tether that is sufficiently short in length as to prevent the dog from leaving the tray or endangering or causing a nuisance to passers-by.

13.0 Duty to Avoid Nuisance

- 13.1 A person must not keep a dog on any land or premises if:
- (a) the dog causes a demonstrable nuisance; or
 - (a) the dog exposes the health and safety of others to significant risk; or
 - ~~(c)~~(a) the dog creates a reasonable apprehension in the minds of others of a threat to their health or safety. The reason must be justified by proven evidence; or
 - ~~(d)~~(b) the dog prevents lawful access to at least one door of the dwelling.
- 13.2 No person shall cause any dog ~~on any land, premises or public place,~~ to become restive or unmanageable or incite any dogfight with or attack any other animal or person.
- 13.3 If, ~~in the assessment of a Council Officer or Dog Control Officer,~~ any dog or dogs or the keeping of any dogs on any premises has become or is likely to become a nuisance or injurious to health the ~~Council authorised officer or Dog~~

~~Control Officer~~ may by notice in writing require the owner or occupier of the premises within a time specified in the notice to do all or any of the following:

- (a) Reduce the number of dogs kept on the premises.
- (b) Construct, alter, reconstruct or otherwise improve the kennels or other accommodation used to house or contain or restrain the dog or dogs.
- (c) Require the dog or dogs to be tied up or otherwise confined during specified periods
- (d) Take such other reasonable action as the Council Officer or Dog Control Officer deems necessary to minimise or remove the likelihood of nuisance or injury to health.

13.4 Any person who fails to comply with any notice issued under Clause 14.1 commits an offence under the Bylaw.

14.0 Offences and Penalties

14.1 Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable to a penalty under the *Dog Control Act 1996* and the *Local Government Act 2002*.

14.2 The Council may apply to the District Court under section 162 of the *Local Government Act 2002* for an injunction restraining a person from committing a breach of this Bylaw.

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POLICY # 3120 – DOG POLICY

Date Issued:

INTRODUCTION

The *Dog Control Act 1996* requires Council to:

- Minimise the danger, distress, and nuisance that dogs may pose to the community
- Avoid the danger inherent in allowing dogs to have uncontrolled access to public places that are used by children
- Enable the public to use public places without fear of attack or intimidation by dogs
- Provide for the exercise and recreational needs of dogs with their owners
- Classify dogs and owners, and provide an annual report on the classifications made by Council.

POLICY OBJECTIVE

The objective of the Council is to promote Responsible Dog Ownership and the welfare of dogs.

Council recognises the importance of dogs to many people within the Far North District.

Council recognises that the main factor in dog control is the quality of care by the dog's owner so it defines and incentivises the status of Responsible Dog Owner.

The policy aims to:

1. Promote Responsible Dog Ownership and enforce the legal obligations of dog owners
2. Prevent danger and fear from uncontrolled dogs
3. Help dog owners to provide for the exercise and welfare needs of their dogs
4. Protect wildlife

POLICIES

Policy 1 – Identify the Owner of Every Dog

Policy 2 – Enforce Dog Owner Obligations

Policy 3 – Classify Dogs and Owners

Policy 4 – Encourage Responsible Dog Ownership

Policy 5 – Apply Registration Fees

Policy 6 – Control Access of Dogs to Public Places

Policy 1 – Identify the Owner of Every Dog

- 1.1 All dog owners must register and microchip their dogs to formally identify the person responsible for the care and control of every dog.
- 1.2 All dogs three (3) months of age and over must be registered.



Policy 2 – Enforce Dog Owner Obligations

Council will:

- 2.1 Make dog owners comply with their legal obligations to control and correctly care for their dog(s) and maintain the safety of the public.
- 2.2 Seize and impound dogs that are considered to be a danger, threat or nuisance to the public, wildlife, stock, poultry or domestic animals.
- 2.3 Limit the number of dogs in urban areas.
- 2.4 Make Menacing or Dangerous dog classifications and Probationary or Disqualified dog owner classifications where considered necessary or where required under the Act.
- 2.5 Take action where necessary for breaches of the Act or bylaws, and, to prevent any breaches from occurring, -by way of infringement notices, the seizing and impounding of unregistered dogs, prosecution, or any other action needed.

Policy 3 – Classify Dogs and Owners

- 3.1 Council will exercise its authority under the Act to classify non-compliant owners as either Probationary or Disqualified and dogs as either Dangerous or Menacing. Council will also provide an annual report in relation to the numbers of these classifications made each financial year.
- 3.2 Council will order all dogs classified as Menacing or Dangerous to be neutered at the owner's expense.

Policy 4 – Encourage Responsible Dog Ownership

Council will:

- 4.1 Recognise and encourage Responsible Dog Ownership (RDO):
 - (a) The owner must have fully complied with Council Bylaw requirements as they relate to dogs.
 - (b) The owner's dog must have been registered in the District for at least one year; or the owner must provide proof of having held this status from their previous authority.
 - (c) If an owner has not been registered in the District for at least one year the owner will be required to attend and pass a Council-approved Responsible Dog Owner Education and Obedience course.
 - (d) The owner must not have:
 - i. Received a conviction under the Act.
 - ii. Received an infringement notice in the past two years related to dogs.
 - iii. Had a dog impounded in the last two years due to their negligence.
 - iv. Been the subject of a substantiated public complaint in the last two years.
 - v. Been classified as a Probationary or Disqualified owner.
 - (e) The property that the dog has free access to must be fully fenced and gated.



- (f) Any outside kennels must be weatherproof and hygienic.

An application must be made to Council and approved before the benefits of the RDO status can be gained.

4.2 Cancel an owner's RDO status if the owner:

- (a) Is convicted of an offence under the Act. The owner will not be reinstated as a RDO.
- (b) Is issued with an infringement notice. The owner will not be reinstated as a RDO for two (2) years.
- (c) Has their dog impounded. The owner ~~will~~may not be reinstated as a RDO for two (2) years.
- (d) Has one substantiated complaint upheld. The owner will not be reinstated as a RDO for two (2) years.
- (e) Fails to pay dog registration fees by the 31st day of August in any year.

4.3 Supply information about dogs on Council's website and provide owners of dogs with information on their legal obligations and how to deal with dog control issues.

4.4 Promote dog safety along with care and control awareness amongst children, the general public and dog owners.

4.5 Supply information on dog obedience courses, owner training courses and support organisations (such as kennel clubs) to promote Responsible Dog Ownership.

Policy 5 – Apply Registration Fees

5.1 Council will set fees to recover costs of dog control and provide adequate dog management services. Dog owners will contribute by paying dog registration fees; recovery of costs where applicable (e.g. impounding fees); and fines and infringement.

5.2 Council will promote responsible dog ownership by offering a discounted registration fee annually to Responsible Dog Owners.

5.3 Council will levy penalties of up to 50% of the registration fee on dog owners who do not register their dogs by the 31st day of August each year.

5.4 Charge a lower recovery fee for registered dogs impounded for the first time.

5.5 A waiver of the penalty fee may be granted if:

5.5.1 Council has made an omission or error.

5.5.2 There are circumstances beyond the control of the dog owner that prevent the registration fee being paid within the registration period and the dog owner has contacted Council within 14 days.

5.5.3 There is evidence of a good track record of paying the registration fees on time for the previous three years, a reasonable reason for waiver has been supplied, and the dog owner has contacted Council within 14 days to give the reason for the delay in payment.



- 5.5.4 There is evidence of hardship and payment arrangements are agreed between the owner and Council. Where arrangements are made, the waiver of the penalty will be subject to the agreed payments being kept up to date.
- 5.6 Failure to make full payment or arrangements for payment of the Registration Fee and Penalty Fee may, at Council's discretion, result in a prosecution in the District Court.
- 5.7 Council will take enforcement action against owners of unregistered dogs by way of infringement notices, prosecution and or seizing and impounding of unregistered dogs.

Policy 6 – Access of Dogs to Public Places

- 6.1 Council provides for Dog Prohibited Areas where the presence of dogs could create a danger or cause distress or nuisance to the public. See Dog Policy Schedules 2016.
- 6.2 Council provides for Dog Exercise Areas where dogs can be exercised off-leash. They must at all times be under the control of the owner by voice command or signal, see Dog Policy Schedules 2016.
- 6.3 At all times and public places not specified in the Dog Policy Schedules 2016 dogs must be on-leash or under the control of the owner.

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- Schedule One** Dog Prohibited Areas
Schedule Two Dog On-leash areas
Schedule Three Dog Exercise Areas
Schedule Four Limitation on Number of Dogs in Urban Areas
Schedule Five Department of Conservation Controlled Dog Areas - No Access

Schedule One - DOG PROHIBITED AREAS

- All dogs are banned from all childrens' playgrounds at all times.
- All dogs are banned from all public swimming pools at all times.
- ~~All dogs are banned from all sports fields and complexes at all times.~~
- All dogs are banned from all Protected Wildlife Zones at all times.
- All dogs are banned from land administered by the Department of Conservation (unless the Department of Conservation issues a permit or specifies otherwise).
- In addition, all dogs are banned from the areas listed below.
- This ban includes working dogs unless these dogs are being used for the purpose for which they are kept. Disability assist dogs are exempted in all cases.

DOG PROHIBITED AREAS		
Area	Details	Time
Ahipara	Beach from the rock pools before Shipwreck Bay to Kaka Street stream	From 1st December to 28th or 29th February, and all other statutory holidays, of every year between 9:00am and 6:00pm
Cable Bay	All beaches	
Coopers Beach	All beaches	
<u>English Bay</u>	<u>The complete length of the beach</u>	
Hihi	The complete length of the beach	
Opito Bay	Opito Bay Beach next to the adjoining roadway	
Opononi and Omapere	All areas from the road for a length of 200 metres in a south direction from the boat ramp in Opononi.	
<u>Paihia and Waitangi</u>	All beaches (with the exception of the grass bank off the sand at Te Haumi beach which is allowed on-leash)	
Russell	Russell Beach and all public areas adjoining and including the Strand between Pitt Street and Wellington Street Tapeka Point Beach and reserves and adjoining public places Long beach Beach up to the area opposite the vehicle turn around zone at the end of the adjoining roadway	
Taipa	All beaches	
Taupo Bay	All beaches	
Tauranga Bay	All reserves	
Pou Herenga Tai Twin Coast Cycle Trail	All parts of the trail that are off-road (as detailed in the Pou Herenga Tai Twin Coast Cycle Trail Schedule Maps).	
Tauranga Bay	Beach from the sandspit to the north of the tractor access point	At all times
<u>Rangiputa Beach</u>	<u>The complete length of the beach</u>	From 1st December to 28th or 29th February,

<u>Tokerau Beach</u>	<u>The complete length of the beach</u>	and all other statutory holidays, of every year between 9:00am and 6:00pm
Te Ngaere Bay	All beaches and reserves	
Whangaroa	All beaches	

Schedule Two – DOG ON-LEASH AREAS

- All dogs are required to be on a leash at all times on any footpath adjoining any public street, road, private way and State Highway.
- All dogs are required to be on leash at all times on sports fields or at sports complexes.
- In addition, all dogs are required to be on a leash at the times in the areas listed below.
- This includes working dogs (unless these dogs are being used for the working purpose for which they are kept).
- Dogs classified as Dangerous or Menacing must also be muzzled while in these On-Leash areas.

DOG ON-LEASH AREAS		
Area	Details	Time
Ahipara	Beach from the rock pools before Shipwreck Bay to Kaka Street stream	All times outside the times specified as prohibited
Cable Bay	All beaches	All times outside the times specified as prohibited
Coopers Beach	All beaches	All times outside the times specified as prohibited
Hihi	The complete length of the beach	All times outside the times specified as prohibited
Opito Bay	Opito Bay Beach	All times outside the times specified as prohibited
Opononi and Omapere	All beaches	All times outside the times specified as prohibited
Paihia <u>and Waitangi</u>	All beaches (but only on the grass bank off the sand at Te Haumi beach)	From 6.00pm to 8.00pm from 1st December to 28th or 29th February of every year From 9.00am to 5.00pm from the 1st March to 30th November of every year
Russell	Russell Beach Tapeka Point Beach and reserves and adjoining public areas Long Beach for the length of the beach up to the area of beach opposite the vehicle turn around zone at the end of the adjoining roadway	All times outside the times specified as prohibited
Taipa	All beaches	All times outside the times specified as prohibited
Taupo Bay	All beaches accessible to the public All reserves	All times outside the times specified as prohibited All times
Tauranga Bay	The beach area that is not prohibited	All times
Tauranga Bay	All reserves	All times outside the times specified as prohibited
Te Ngaere Bay	All reserves	All times
Whangaroa	All reserves	All times

Whangaroa	All beaches	All times outside the times specified as prohibited
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Schedule Three - DOG EXERCISE AREAS

- Every dog owner may exercise their dog(s) off-leash at the times in the areas listed below **providing that the dogs are under control at all times.**
- Dogs classified as Dangerous or Menacing must be muzzled while in these Dog Exercise Areas.

Dog Exercise Areas		
Area	Details	Times
Kaitia	Matthew's Park (within the designated fenced area of the park)	All times
Kaikohe	Maihi Memorial Park, Memorial Drive	All times
Kerikeri	Rolands Wood The reserve adjoining Samaree Place The land behind the Crematorium in Wiroa Road	All times
Opua	English Bay Beach and Opua Beach between the car ferry ramp and the boat ramp opposite Opua Hall	All times
Russell	The area of beach forming part of Long beach Beach from opposite the vehicle turn around zone at the end of the adjoining roadway to the end of the eastern part of the beach	All times

Other Public Places

- **In all other public areas** (that is public places not specified as dog prohibited, dog exercise, or dog leash control areas) **all dogs must be on-leash or under control at all times.**
- The dog owner (or person in charge of the dog) must be seen to be in control of the dog so that it does not cause a danger, distress or nuisance.
- Dogs classified as Dangerous or Menacing must be muzzled when in public areas.

Schedule Four - LIMITATION ON NUMBER OF DOGS IN URBAN AREAS

The urban areas with a limit on the number of dogs per household is ~~listed and then~~ mapped below. Detailed maps are available on the Council website:



Schedule Five – Department of Conservation CONTROLLED DOG AREAS NO ACCESS

- Dogs are not allowed in Department of Conservation (DOC) nature reserves or wildlife sanctuaries except with express written approval.
- If you are on a boat with your dog, you cannot take your dog ashore to a controlled dog area or nature reserve, to let it relieve itself. This includes the foreshore of any such island or land (the foreshore includes the entire beach area down to the low tide level).
- Unless specified, dogs and other pets are not allowed in DOC campgrounds.
- Dogs are not allowed inside any DOC hut or lodge. In some cases there may be a kennel beside the hut. If this is not the case, please find somewhere suitable outside the hut to tie your dog.
- In addition dogs are not permitted in the areas listed below:

DOC Reference	Dog Prohibited Areas - no access	Local Office
Ref: P05032	Akeake Historic Reserve	Bay of Islands
Ref: Q05043	Balast Point	Bay of Islands
Ref: Q05002	Black Rocks Scenic Reserve	Bay of Islands
Ref: P05030	Blacksmiths Bay	Bay of Islands
Ref: Q05013	Deep Water Cove Scenic Reserve	Bay of Islands
Ref: Q05065	Harata Historic Reserve	Bay of Islands
Ref: P05060	Hongi Hika Recreation Reserve	Bay of Islands
Ref: Q05030	Kahuwhera Pa Historic Reserve	Bay of Islands
Ref: P05024	Kerikeri Basin Recreation Reserve	Bay of Islands
Ref: P05065	Kerikeri Esplanade Reserve	Bay of Islands
Ref: P05022	Kerikeri Govt. Purp. Fish Hatchery	Bay of Islands
Ref: P05026	Kerikeri Inlet Scenic Reserve	Bay of Islands
Ref: P05020	Kerikeri River Scenic Reserve	Bay of Islands
Ref: P05066	Kerikeri Wharf Historic Reserve	Bay of Islands
Ref: P05025	Kororipo Pa Historic Reserve	Bay of Islands
Ref: Q05063	T Hirst Scenic Reserve	Bay of Islands
Ref: P05015	Lake Waiparaheka Scientific Reserve	Bay of Islands
Ref: P04005	Mahinepua Peninsula Scenic Reserve	Bay of Islands
Ref: Q05033	Man O War	Bay of Islands
Ref: Q05014	Manawahuna Scenic Reserve	Bay of Islands
Ref: Q05001	Marsden Cross Historic Reserve	Bay of Islands
Ref: Q05036	Motuarahi Island Scenic Reserve	Bay of Islands
Ref: Q05003	Motuarohia Island Recreation Reserve	Bay of Islands
Ref: P04006	Motukawanui Island Scenic Reserve	Bay of Islands
Ref: Q05034	Motumaire Island Historic Reserve	Bay of Islands
Ref: P05044	Motupapa Island Scenic Reserve	Bay of Islands

Attachment 3 Draft Dog Control Bylaw 2016 and Dog Policy 2016 Schedules

Ref: Q05004	Moturua Island Scenic Reserve	Bay of Islands
Ref: P05031	Motutapu Island Scenic Reserve (Kerikeri Inlet)	Bay of Islands
Ref: Q05042	Motutokape Island	Bay of Islands
Ref: P05016	Ngawha	Bay of Islands
Ref: P05109	Ngawha Purchase Scenic Reserve	Bay of Islands
Ref: Q05006	Okahu Island Scenic Reserve	Bay of Islands
Ref: P05017	Okuratope Pa Historic Reserve	Bay of Islands
Ref: Q05009	Otehei Bay (Pt. Urupukapuka Island Rec. Reserve)	Bay of Islands
Ref: P05061	Pakaraka Kauri Scenic Reserve	Bay of Islands
Ref: Q05010	Poroporo Island Scenic Reserve	Bay of Islands
Ref: P05018	Puketona Scenic Reserve	Bay of Islands
Ref: P05019	Pukewhau Ecological Area	Bay of Islands
Ref: P05021	Rainbow Falls Scenic Reserve	Bay of Islands
Ref: P05029	Rangitane Scenic Reserve	Bay of Islands
Ref: P05034	Taranaki Island Scenic Reserve	Bay of Islands
Ref: P04022	Taronui Bay Access	Bay of Islands
Ref: P04021	Taronui Bay Recreation Reserve	Bay of Islands
Ref: P04023	Taronui Bay Addition Recreation Reserve	Bay of Islands
Ref: Q05016	Te Toroa Scenic Reserve	Bay of Islands
Ref: Q05031	Tikitikioure	Bay of Islands
Ref: Q05037	Toretore Island Scenic Reserve	Bay of Islands
Ref: Q05008	Urupukapuka Island Recreation Reserve	Bay of Islands
Ref: Q05029	Uruti Bay	Bay of Islands
Ref: Q05007	Waewaetorea Island Recreation Reserve	Bay of Islands
Ref: P05023	Waipapa Stm Scenic Reserve	Bay of Islands
Ref: P05068	Wairoa	Bay of Islands
Ref: P05045	Waitangi Endowment Forest	Bay of Islands
Ref: Q05028	Waitata Point	Bay of Islands
Ref: O03001	Maitai Bay Recreation Reserve	Kaitaia
Ref: O04024	Mangonui Court House Historic Reserve	Kaitaia
Ref: M02001	Motuopao Island Nature Reserve	Kaitaia
Ref: N02003	North Cape Scientific Reserve	Kaitaia
Ref: O04014	Rangikapiti Pa Historic Reserve.	Kaitaia
Ref: N03008	Simmonds Is. Nature Reserve	Kaitaia
Ref: L01001	Three Kings Islands Nature Reserve	Kaitaia
Ref: O04036	Walker Island Nature Reserve	Kaitaia

Attachment 3 Draft Dog Control Bylaw 2016 and Dog Policy 2016 Schedules

Ref: O03007	Whangatupere Bay Marginal Strip	Kaitaia
Ref: O03008	Paeroa/Knuckle Point Scenic Reserve	Kaitaia

DRAFT

MEETING: REGULATORY AND ENVIRONMENTAL COMMITTEE
25 AUGUST 2016

Name of item: APPOINTMENT OF INDEPENDENT HEARING
COMMISSIONERS (RC2160340RMALUC)

Author: Lynley Newport - Manager Resource Consents

Date of report: 05 August 2016

Document number: A1755070

Executive Summary

The purpose of the report is to recommend, via the Regulatory and Environment Committee, for Council to appoint Commissioners to hear and determine RC 2160340-RMALUC being an application for land use consent lodged by Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust, for a proposed papakainga housing development at Rangihamama Road, Kaikohe.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT pursuant to section 34A(1) of the Resource Management Act 1991 Council appoints Ian (Joe) Carr (Chair), and Bronwyn Hunt as Commissioners to hear and determine RC 2160340-RMALUC being an application for land use consent lodged by Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust, for a proposed papakainga housing development at Rangihamama Road, Kaikohe.

1) Background

Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust has applied to the Council for a 15 dwelling papakainga development on land on Rangihamama Road, Kaikohe, involving housing, roading, stormwater disposal, waste water treatment and disposal and landscaping by way of an integrated development plan.

The proposal has gone through a limited notification proposal. Submissions were received and a hearing is required.

Given the nature of the proposal and acknowledging that cost is a consideration, the Council's Resource Consents Department would like to utilize commissioners that are reasonably priced, are local to the District, and that have the necessary knowledge and experience to consider an application such as this one.

Mr Carr fits those criteria and has Chair Endorsement through the Making Good Decisions programme. Ms Hunt also fits those criteria. Both have acted as Commissioners for the Council in the past. Ms Hunt was a Council appointed commissioner on the Ngawha Expansion consent/Notice of Requirement hearing.

Their respective CVs are attached.

2) Discussion and options

While Council could rely on existing 'approved' commissioners, it is considered that Mr Carr and Ms Hunt are suitable additions to the list and an appropriate choice in this particular situation. Cost is a consideration, as is the availability of someone with experience in considering matters relating to the use and development of Maori Land.

The applicant has indicated they are happy with the choice. It is considered that those nominated bring the appropriate range of skills and expertise to the hearing and to dealing with the matters raised in the submissions made to the FNDC.

It is intended to carry out a review and update of the Council's list of Approved Commissioners from whom delegated staff may select from on a case by case basis, and bring an item to the new Council once it has been sworn in.

3) Financial implications and budgetary provision

There are no financial implications for Council as the costs of the hearing are borne by the applicant.

4) Reason for the Recommendation

The appointees have the experience and expertise required of a Commissioner for applications of this type and their inclusion on the panel is considered appropriate.

The purpose of the report is to recommend, via the Regulatory and Environment Committee, for Council to appoint Commissioners to hear and determine RC 2160340-RMALUC being an application for land use consent lodged by Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust, for a proposed papakainga housing development at Rangihamama Road, Kaikohe.

Manager: Dean Myburgh - General Manager District Services Group.

Attachment 1: Curriculum Vitae of J Carr and B Hunt - Document number A1758912

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Council appointment of commissioners is consistent with current Council policy and resolution.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	The appointment of a Maori Commissioner on the panel is considered appropriate.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	The views and preferences of affected persons, in this case considered to be the applicant; consent authorities and submitters, have been taken into account in determining appropriate appointees.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Low level of significance.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	Statutory process being followed in regard to the notification of, and hearing of these applications.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	There are no financial implications or the need for budgetary provision arising from this report. Costs will be recovered from the applicant. The Chief Financial Officer has not reviewed this report.

CV JOE CARR – RMA HEARINGS COMMISSIONER.

I reside in the Okaihau area. My experience, prior to the existence of the Ministry for the Certification Programme for Environment Resource Management Act Decision Makers, was as a councillor commissioner for the Far North District Council, hearing the now Operative District Plan. This process was administered by Mrs Lynley Newport.

Following these extensive hearings I was retained by Council for the duration of the Environment Court District Plan appeal mediation process in which most of the areas of contention were resolved.

Since 1 July 2005 I have maintained my Ministry for the Environment Certification of Competency for Resource Management Act decision-makers. My chairing endorsement expires on 31 December 2018.

Experience: Over this period I have been a commissioner on a variety of RMA hearings including those for designations (FNDC Hihi sewerage), plan changes (NRC Air Quality Plan), discharge consents (Ballance Fertilizer Plant Whangarei) and landuse/subdivision consents for FNDC and NRC.

I am comfortable with evaluating technical matters, Maori protocol and balancing matters within planning framework.

Yours faithfully,

Joe (IR) Carr JP

BRONWYN HUNT

11B Okahu Road | Kaitaia | 0275222116 | brony@terarawa.co.nz

SKILLS PROFILE

- Strong outcomes focus and demonstrated orientation to change
- Strong people leadership skills, including providing clear direction, building high performance and developing people capability
- Proven experience in managing a diverse range of stakeholders, particularly in managing the interface between Iwi, Crown and community entities
- Proven record in Project Management
- Proven record in facility management
- Demonstrated analytical and strategic capability

EMPLOYMENT HISTORY

Manukau City Council

1990 — 1995

Librarian

- Commenced employment as a library assistant in the Manurewa Branch of Manukau city libraries. Within five years had completed formal qualifications, enjoyed three promotions, last one as second in charge before leaving to take up a newly created position in the far north.

Far North District Council

1995 — 2009

Library Manager

- After a review was carried out on library services, a position was created to establish a single district library system that would move libraries from a localized traditional silo based manual system reliant on volunteers to a contemporary efficient and effective service that had a focus on staff development, facility improvement, community relations, transition from manual process to a linked library automated system, collection development and an integrated approach to the delivery of council services.

Far North District Council

1997 — 2009

Libraries and Information Services Manager

- In addition to the above position managed the i-SITE visitor information services. Emphasis was to improve the delivery of visitor information services across the district, improve relationships with stakeholders within the tourism

sector at a district, regional and national level. Focus on improvements included staff development, facilities and process improvement.

Far North District Council

1998 — 2009

Customer and Community Services Manager

- In addition to the above, managed customer services and regulatory administration staff across the district, total staff number 63.
- Also, managed community facilities working with a number of stakeholders ranging from volunteers to construction companies.
- Project management over all renewal and capital development work on community facilities ranging from production of asset management plans to the construction of the Procter Library, Kerikeri and refurbishment of Kaikohe, Kaeo, Paihia and Kawakawa libraries.
- Completed a rationalization review of community facilities in the Kaitaia area to determine need for improved delivery of services across the Te Hiku area.
- Manager assigned to Te Ahu Charitable Trust to provide operational support and direction.

Te Runanga o Te Rarawa

2009 — current

Principal Advisor, Strategy and Policy

- Responsible for strategic and policy development and compliance with contracts for service
- Project management of Historical Treaty Settlement and other claims for Te Rarawa (WAI 262, Foreshore and Seabed, WAI 1040, water claim)
- Operational management for the provision of health and social service delivery across all contracts held with Government agencies.
- Hapu and marae community development
- Environmental management and liaison with Local Government and Crown agencies
- Specific projects on behalf of Runanga e.g. Sustainable Home Ownership Project (current), Wetlands and lakes restorations (current)
- Liaison with Lincoln University for Apiculture school
- Portfolio holder for all Education matters
- Relationship management with Crown and Local Government agencies
- Trust Secretary to Te Hiku o Te Ika Development Trust Coordinator for Te Hiku o Te Ika Iwi Leadership forum
- Technician – Social and Wellbeing Accord Secretariat
- Iwi Technical Advisor, Te Oneroa a Tohe Beach Governance Board

- Chair, Te Hiku o Te Ika Fisheries Forum (2011 – 2014)
- Member, Te Hiku o Te Ika Education Forum

Independent Hearings Commissioner

2013 — current

Member, Hearing Commissioner, Northland Marine Strategy (NRC)

Member, Board of Inquiry, Ara Tohono, Puhoi to Wellsford Road of National Significance: Puhoi to Warkworth Section

Member, Hearings Commissioner, Ngawha Geothermal Expansion and Renewal Proposal.

Community Involvement

Elected Member, Northland Regional Council (2010-2013)

Positions held on Council were; Deputy Chair, RMA Hearings Committee; Chair, Doubtless Bay Working Party; Member, Environmental Management Committee; Member, Finance and Audit; Mooring and Marinas working party; and Northland representative on the Maori Advisory Committee to Local Government New Zealand.

Trustee, R Tucker Thompson Sail Training Trust (2006- current)

Director, CBEC (Community Business Environment Centre) (2013-current)

Reconnecting Northland, Chair (2013 – current)

Northland Conservation Board, Member (2015 – current)

Pare Kore Board Member (2015 – current)

Qualifications

NZ Library Certificate 1993

RMA Making good decisions 2010 / Reaccredited 2014

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: HEARING PANEL RECOMMENDATIONS ON
SUBMISSIONS TO PROPOSED PLAN CHANGE 18 -
GENETICALLY MODIFIED ORGANISMS

Author: Tammy Wooster - Senior Policy Planner

Date of report: 29 July 2016

Document number: A1752642

Executive Summary

The purpose of the report is to provide the Regulatory and Environment Committee (R&EC) with the recommendations made by the Hearing Panel for Proposed Plan Change 18 - Genetically Modified Organisms, and that the recommendations of the Hearing Panel be adopted.

On the 13, 14 and 16 June 2016, the Council held a joint hearing with Whangarei District Council to hear the proposed plan change. Proposed Plan Change 18 is seeking to introduce a new chapter into the District Plan that regulates the outdoor use of Genetically Modified Organisms in the Far North District.

The Hearing Panel have generally recommended that Plan Change 18 proceed as notified with minor modifications to the veterinary vaccine rule 19.6.1.1 and associated policy framework, policy 19.4.3, the assessment criteria of rule 19.6.2.1 (Genetically Modified Organism Field Trials), rule 19.7 (Notification) and correction of three typographical errors.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, that the recommendations of the Hearing Panel to allow, allow in part, or not allow submissions and further submissions on Proposed Plan Change 18 be adopted, such that Proposed Plan Change 18 - Genetically Modified Organisms is approved subject to consequential amendments arising from the decisions on submissions and further submissions.

1) Background

Proposed Plan Change 18 - Genetically Modified Organisms (GMOs) will introduce objectives, policies and rules into the District Plan based on the draft plan change commissioned by the Inter Council Working Party (ICWP). These provisions will regulate the outdoor use of GMOs. The ICWP was formed by the Northland Councils to develop an appropriate response to the outdoor use of GMOs. The membership included Far North District Council (FNDC), Whangarei District Council (WDC), Auckland Council (AC) and all superseded Councils, Kaipara District Council (KDC) and Northland Regional Council (NRC).

Council, AC and WDC have proposed to introduce GMO provisions based on the draft plan change commissioned by the ICWP. The Auckland Unitary Independent Hearings Panel have recommended adopting the proposed GMO provisions (with some minor word changes) into the Proposed Auckland Unitary Plan. The Hearing

Panel recommendation on Plan Change 18, endorsed the WDC proposed plan change.

Proposed Plan Change 18, sought the following framework for managing GMOs:

- GMO activities (e.g. research undertaken indoors in laboratories or veterinary vaccines) will be permitted and no resource consent will required
- GMO field trials will be a discretionary activity. The user will need to apply for a resource consent, pay a bond that will be held by Council in case of any damage, and on-going monitoring will be required
- Release of GMOs will be a prohibited activity. This cannot occur in the district and no resource consent can be applied for
- Definitions and assessment criteria to assist with interpretation of rules and assessment of resource consents.

In May 2013, Council resolved to publicly notify Proposed Plan Change 18:

AND THAT Council agrees and supports in principle the resolutions of the ICWP, including agreeing in principle to proceed with a plan change process to regulate the outdoor use of GMO through provisions in the Far North District Plan in collaboration with other councils.

Following Council's resolution, Proposed Plan Change 18 was subsequently notified with public submissions closing on 9 September 2014 and further submissions closing on 18 November 2014. A second further submission period closed on 23 July 2015, this was to undertaken to correct an administration error that erroneously excluded 4 submissions. Council received 305 primary submissions and 55 further submissions.

In March 2016, Council resolved:

THAT Councillor Prime be appointed to the Proposed Plan Change 18 Hearing Panel;

AND THAT two independent Commissioners be appointed by the Manager District Planning (in accordance with existing delegated authority) to hear and make recommendations on Proposed Plan Change 18.

An earlier resolution endorsed a joint hearing with WDC. To facilitate this process Council wrote a joint Section 42 Hearings Report with WDC. The hearing was held on the 13, 14 and 16 June 2016, with Commissioner Barry Kaye as Chairperson, Commissioner Bill Smith and Councillor Willow-Jean Prime on the Hearing Panel.

On assessment of the submissions, and as a result of submissions received from public notification, changes were made to the WDC and AC plan changes. The Hearings Report put forward recommendations which slightly modified the proposed plan change from that originally notified. This included minor modifications to the veterinary vaccine rule and associated policy framework, policy 19.4.3, the assessment criteria of rule 19.6.2.1 (Genetically Modified Organism Field Trials), rule 19.7 (Notification). In the right of reply to the Hearing Panel, the reporting planners recommended the correction of three typographical errors, which were identified during the hearing process.

The Hearing Panel agreed with the recommendations proposed by the reporting planners. It has been recommended to Council to approve the proposed plan change with modifications (refer to Attachment 1).

2) Discussion and options

The Hearing Panel recommendations have been received and the report is now available for consideration by the Committee (refer to Attachment 1). The Hearing Panel have recommended that the plan change proceed with the following modifications:

- minor amendments to the policy framework;
- minor amendments to the wording of rule 19.6.1.1 as it relates to veterinary vaccines;
- minor amendment to the wording of rule 19.6.2.1;
- minor amendment to the wording of rule 19.7;
- the correction of three typos.

It should be noted that Council can approve or reject the Hearing Panels recommendations but cannot modify them.

If the Committee approves the recommendations made by the Hearing Panels, an agenda item will be submitted to Council requesting approval.

3) Financial implications and budgetary provision

The cost associated with the implementation of this proposed plan change and related public notification and any subsequent appeals is covered by the operational budget of the District Plan Team.

4) Reason for the recommendation

It is recommended that the Committee adopt the Hearing Panel recommendations as to do otherwise would necessitate a repeat of the hearing.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Hearing Panel Recommendations Report - Document number
A1753969

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	The proposed plan change is consistent with existing policy and outcomes.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	Any Plan change requires (by legislation) consultation with tangata whenua.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Any Plan change requires (by legislation) consultation with affected persons.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	This issue is considered not to be of high significance.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	There are no known implications for Community Boards.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	As identified above, there is adequate budget to continue processing the proposed plan change. The Chief Financial Officer has reviewed this report.

IN THE MATTER of the Resource Management Act 1991

**AND Proposed Plan Change 18 to the Far North District Plan and
Proposed Plan Change 131 to the Whangarei District Council District
Plan**

Relating to Genetically Modified Organisms.

COMMISSIONERS RECOMMENDATIONS REPORT:

RECOMMENDATIONS TO THE FAR NORTH DISTRICT COUNCIL AND THE WHANGAREI DISTRICT COUNCILS ON THE PROPOSED PLAN CHANGES

1.0 INTRODUCTION

This report sets out the recommendations that the appointed Hearings Commissioners (“**the Commissioners**”) have made to the Far North District Council (“**FNDC**”) and to the Whangarei District Council (“**WDC**”) in relation to Proposed Plan Change 18 and Proposed Plan Change 131 (“**the Plan Changes**”) to the operative Far North District Plan and the operative Whangarei District Plan (“**the District Plans**”) in accordance with the Resource Management Act 1991 (“**the RMA**”).

This report provides an account of the hearing process leading through to our separate recommendations to each of the Councils on the Proposed Plan Changes (“**PPCs**”).

2.0 OUR RECOMMENDATIONS

Our recommendations to the Councils are that the two Plan Changes (“**PPC 18 AND PPC 131**”) be approved, with some minor modifications, and that the submissions and further submissions be accepted, accepted in part, or rejected in accordance with our recommendations. This report

should be read in full for our reasons to approve the Plan Changes and we set out below a brief summary of those reasons:

- We have concluded that the benefits of the proposed Plan Changes provisions outweigh the costs and the risks of not acting are considered to be greater than the risks of acting.
- The proposed provisions to address the management of Genetically Modified Organisms (“**GMOs**”) within the two planning districts are the most appropriate method to achieve Part 2 of the RMA.
- The Section 32 reports underpinning the Plan Changes appropriately and adequately identify and assess the pros and cons of the chosen methods.
- We consider that the proposed objectives are the most appropriate means to achieve the purposes of the RMA and that the proposed policies, rules and methods are the most appropriate way to achieve the objectives.
- We consider that the regulation and management of GMOs is mandated under the RMA and that a precautionary approach with adaptive management response provisions is appropriate.
- Mana Whenua submissions and evidence have supported a precautionary approach, have generally supported the Plan Changes and in some instances have requested further restrictions to the extent of an overall prohibition.
- We consider that the proposed Plan Change provisions do not duplicate the Hazardous Substances and New Organisms Act 1996 (“**HSNO**”) provisions, rather they complement them.

3.0 BACKGROUND

A joint hearing report addressing details of the proposed Plan Changes and the associated submissions was prepared by FNDC Senior Policy Planner, Tammy Wooster and WDC Consultant Planner, David Badham, in accordance with Section 42A of the RMA. The report is hereinafter referred to as “**the Section 42A report**”. The Section 42A report included consideration of all of the relevant statutory considerations. The recommendations in the Section 42A report were that the Plan Changes be approved with some modifications partly as a response to the submissions and further submissions.

4.0 THE PLAN CHANGES IN MORE DETAIL

We were told that PPC 18 and PPC 131 have been developed collaboratively over the past 10 years with other local authorities in the Northland / Auckland region who had formed an Inter-Council Working Party on GMO Risk Evaluation and Management Options (“**The Working Party**”) in response to what they considered to be significant community concerns regarding the outdoor use of GMOs.

We were also told that as part of its investigations the Working Party commissioned a number of reports to investigate the risks and benefits of GMOs, along with a comprehensive survey by Colmar Brunton to gauge public support for local and/or regional management of GMOs, which resulted in the formulation of the relevant Section 32 Evaluation Reports and draft Plan provisions.

The Section 42A report also noted that;

“A comprehensive description of the background of the work commissioned by the Working Party is provided in section 1.2 of the Section 32 Evaluation [Appendix A] and further in the Statement of Evidence by Dr Kerry Grundy [Attachment 11]. We do not deem it necessary to duplicate this and rely on the existing statement in the Section 32 Evaluation and Dr Grundy to provide a comprehensive description of the background of the plan change for the Commissioners and submitters on behalf of each Council”.

A comprehensive description of the background to the work commissioned by the Working Party was provided to us and was made available via each of the Councils. The information in and attached to the Section 42A report provided a comprehensive description of the background of the Plan Changes and was available from either Council.

The Section 42A report advised all parties how to access the relevant information online.

5.0 APPOINTMENT

The WDC appointed us (Barry Kaye (Chair), Bill Smith and Willow-Jean Prime) as Independent Hearings Commissioners, while the FNDC appointed us (Barry Kaye (Chair), Bill Smith as Independent Hearings Commissioners, with FNDC Councillor Willow-Jean Prime being an internal Commissioner). This gave us delegated authority to hear the submitters, further submitters and the Councils' experts and to make recommendations to the respective Councils on the proposed Plan Changes and the submissions and further submissions thereto.

Prior to the hearing, we were provided with and considered the details of the Plan Changes and the submissions (including the further submissions), the Section 42A report and the expert evidence and other evidence that was pre-circulated.

6.0 THE JOINT HEARING

The joint hearing took place on 13 and 14 June 2016 in Whangarei and 16 June 2016 in Kaikohe. Lisa McColl, Jane Murdoch and Janette Bosman, Support Assistants ably assisted the Commissioners with the day to day management of the hearing process.

At the start of each day a Karakia was given by Commissioner Prime. At the completion of the hearing of evidence on 16 June we adjourned the hearing to enable advising Counsel for the two Councils and the Reporting Officers to provide in writing their responses to the evidence.

Those responses were provided on 28 June 2016 and after consideration of all the material before us we closed the hearing on 7 July 2016.

6.1 Submitters/Evidence

An overview of the parties who presented evidence and the nature of those are set out below.

Monday 13 June 2106

- Paul Waanders of WDC and Greg Wilson of FNDC.
Mr Waanders, Manager of the WDC Policy and Monitoring Department, provided an overview of the Plan Changes and highlighted the risk considerations, the need for a

precautionary approach and the need to recognise the cultural perspective on the GMO debate.

- Greg Wilson, Manager of the FNDC District Plan Team also provided us with submissions on the process leading up to the Plan Changes.
- Graeme Mathias, Legal Counsel for both Councils provided opening submissions which traversed the range of issues identified in the submissions as well as providing a succinct overview of the process underpinning the proposed Plan Changes.
- David Badham and Tammy Wooster – Reporting Officers for WDC and FNDC - relied upon their Section 42A report and other information they provided such as their Addendum 1 addressing additional submission points which had been omitted in error from the Section 42A report and out of scope changes.
- Doctor Kerry Grundy, Professor Jack Heinemann and Doctor John Small, all being witnesses for the Councils provided their expert evidence in support of the proposed Plan Changes. Doctor Grundy in particular noted his lengthy involvement with the process including a lead role in the Joint Council Working Party.
- Keir Volkerling spoke for Ngatiwai and Ngapuhi in supporting the Plan Changes generally.
- Soil and Health Association, GE Free Northland, and 15 other parties represented by Mischa Davis, Marion Thomson, Donald Nordeng, Marty Robinson, Vernon Warren (an expert planning witness), Claire Bleakley, Ngaire Hart. Collectively these witnesses provided strong support for the proposed Plan Changes and gave evidence traversing a range of matters in support of their case. They talked about crop contamination, buffer zones, effects on organic foods and certifications, GMOs as a threat to the local economy and the environment, significance to Iwi (Colmar Brunton survey 2009), the need for local plans to reflect local aspirations, why the RMA and the proposed Plan Changes are complementary to HSNO and not duplication and management issues with GMO releases and containment. Mr Vern Warren referred to Mr. Manhire's evidence noting that he was one of the most experienced people in the organic market sector in

NZ and that his views were of some significance as to the adverse effects of unmanaged GMO releases in particular. Mr Warren also noted that the Commissioners were required to rely upon Judge Newhook's recent decision in relation to whether or not Regional Plans could address GMO matters. He talked about the participatory process leading into the Plan Changes being promulgated and advised us that in his opinion District Plans should address GMOs and that the issue went beyond technicalities as the heart of the matter was around the effects on patterns of land uses. He supported the prohibited activity status for outdoor release of GMOs noting that a non complying activity status means rules are set up to intervene only when necessary and that approach did not take a precautionary view as required given the lack of certainty around many issues associated with GMOs. In his view non complying activity status was the 'doorway of uncertainty'. He also noted the submitter's support for the proposed bonding regime as third parties should not bear the costs of "pollution" and agreed with Mr Mathias in respect of the matters he addressed. He concluded that the proposed Plan Changes were underpinned by extensive research and analysis and that that the Plan Changes fit the purposes of the RMA.

- Ms Philippa Guthrie, a policy analyst for the Ministry for the Environment ("**MfE**") presented the Ministry's evidence that had been filed. She had no specific expert qualification from what we could discern in her answers to questions from the Commissioners and advised us that the 'evidence' was a collaboration of various individuals in the Minister's Wellington offices none of whom was present to answer questions. Her main theme in the statement she took us through was that the proposed Plan Changes duplicate HSNO provisions and processes and was unnecessary. On that basis the Minister opposed the proposed Plan Changes per se. She stressed that the Environmental Protection Agency ("**EPA**") process of administering the HSNO legislation was rigorous and more than adequate notwithstanding it was a centralised administrative process with little input from local communities-notwithstanding the comments she made to the contrary in support of the inclusiveness of that EPA process. Our overall position is that the Minister's evidence was of marginal value and bordered on advocacy rather than being the expert evidence we needed which would have better helped us in getting to the essence of the Minister's position.

- Rachel Major owned an organic shop in Maungaturoto and spoke passionately about the dis-benefits of GMOs and the need to manage them through the proposed Plan Changes. While her statement was not expert evidence she provided helpful information that enabled us to understand the position of people like her who were strong supporters of organic methods and products. She spoke about Monsanto and sterile seeds caused by genetic modification. She also noted the issue was about the quality of food products and their nutritional value. She advised us that her research showed 70% of US food products were genetically modified. She was not convinced by arguments that GMOs could be contained. She was opposed to any provisions for GMOs but advised us that if the Plan Changes were all that the Councils could do then she supported them.
- Joint Submitters - GE Free New Zealand, Auckland GE Free Coalition, Clair Bleakley (presented a slide show as evidence), Ngaire Hart (Bee expert), Jon Carapiet, Charles Drace, P.Kirkwod and Michael Trott. These submitters presented comprehensive evidence opposing GMOs outside of containment and supporting the Plan Changes provisions. A range of examples were given illustrating their views that GMOs experiments were frequently disastrous and resulted in unpredicted outcomes.
- Catherine Murupaenga-Ikenn (delayed discussion Via Skype) addressed cultural grounds for supporting the proposals and spoke in relation to indigenous groups and their values.
- Ms. Margaret Hicks added to her written submissions in her presentation. She opposed field trials and spoke about Ethics referring to Socrates. Her view was that the targeted species cannot speak for themselves, thus the GMO process is unethical. GMOs are fundamentally wrong as they interfere with the natural makeup of living species. It is a misuse of science in her view. The precautionary approach is the only approach. She noted that the supporters for GMOs were dominantly commercial interests. She advised us that she believed all EPA field trial applications get approved. Her position was the GMO process represented an abuse of power.
- Steve Goldthorpe, an energy systems analyst, referred to Ms Hicks submissions and agreed that her views on ethics were sound. But he differed in that mankind was charged with being the custodians of the world. He considered that GMOs interfered with

creatures designed for a natural world. He was of the view that GMO releases should be prohibited unless there were no doubts as to adverse effects being avoided and where there was universal acceptance of GMOs in the global food market. He supported the use of RMA processes and that HSNO was not the only available method. He considered the Northland region to be agriculturally isolated from the rest of NZ and that it was appropriate and simple to have different rules for Northland. Overall he concluded that he supported the Plan Changes proposals.

Tuesday 14 June 2016

- Doctor Benjamin Pittman an expert witness for GE Free Northland and Soil & Health Association presented his evidence around a Maori view of the world. He is a well-known and respected expert in Maoritanga. He advised us how he claimed representation for a range of Maori groups noting kaitiakitanga and rangitiratanga status. He discussed the concept of 'mauri' noting everything is interconnected ultimately. The key issue he highlighted was the (unacceptable) notion of mixing 'mauri'. He said mixing of 'mauri' may be allowed if there were clearly proven beneficial outcomes. Even then high levels of risk management were needed. That was the key reason why he supported a precautionary approach. He referred us to s7 (a) of the Act and the obligations therein. He agreed with Commissioner Smith that a Rahui could ban GMOs and that the EPA was obligated as a Treaty matter to take a Rahui into account when making any decisions on GMOs. Doctor Pittman noted that the RMA processes properly involved communities unlike HSNO. He also advised us that there was a current (Maori) ban on GMOs on the regional area extending from Bombay in the south to Cape Reinga on the north. In answer to a question from Commissioner Willow Jean Prime he advised that ban came from a Hui in 2012 in Kaikohe where that ban was agreed to unanimously by all participants.
- Zelka Grammer for GE Free Northland & Soil & Health Association of New Zealand Inc advised us she supported the Plan Changes as they were sensible. There is a duty of care responsibility on Councils. She supported the bond provisions noting we need checks and balances. She advised us that the Rural Women NZ group she spoke for engaged in a range of rural activities. She referred to the 2012 Hui that Dr Pittman advised us of and noted that was a clear community direction to the Councils (and

Federated Farmers). Overall she supported the proposals even though she would like even tougher provisions.

- John Clark supported GM research when done safely but was against open air research. He sought that open air trials be prohibited and not a discretionary activity. He also sought that people carrying out GM research be financially accountable for the risks they introduce. He agreed with Professor Heinemann that there was insufficient information available to accurately assess risks. He provided us with many examples of failures or unexpected outcomes and a huge amount of information on a memory stick that he gave us to read. He referred to connections with climate change and the need to save seeds to enable protection of 'good' stock. He noted no matter what the 'promises' were about the benefits of GM crops the results had not proven to match the promises. His overarching relief was that open air research should not be a discretionary activity but prohibited.
- Federated Farmers ("FF") represented by Richard Gardner (internal lawyer and policy planner) and John Blackwell (President FF Northland) provided evidence. We note we were left unclear as to whether Mr Gardner's statement was evidence or submissions as FF's internal lawyer or a mix of those. Mr Gardner advised of FF's total opposition to the proposed Plan Changes. He also advised us that FF's had a neutral policy on GMOs for at least 20 years. We note here that we were at odds to reconcile "a neutral position" with "strong opposition". He said the role of managing GMOs was a central government role (taking a similar position to MfE). He advised us that we shouldn't manage GMOs but only manage the effects of GMOs. He did however agree that the Environment Court decision by Judge Newhook which we have already referred to was the current law and that accordingly councils' can manage GMOs through RMA provisions. He also though preferred that no decision on the Plan Changes be made until the High Court appeal by FFs on the Judge Newhook decision had been determined.
- He referred to Doctor Bellingham's evidence wherein a controlled activity status for GMOs was sought. Doctor Bellingham was not called as an expert witness by Mr Gardner and the evidence filed for these Plan Changes was evidence that Doctor Bellingham prepared for the hearings about GMO provisions in the Proposed Unitary Plan for Auckland. As that evidence was not specific to the proposed Plan Changes in

any manner or detail we have paid little attention to that noting that Mr Gardner's position on that was the same as Doctor Bellingham's in any event.

- We also note that Mr Mathias advised us in his right of reply in relation to our questions about the validity of some evidence that;

8.1 *In my submission, accepting that it is entirely up to the Committee as to what weight it gives any evidence or submissions it receives, such evidence and submissions presented to it where there was no appearance by the deponent or author should be disregarded. It is not appropriate to say that the evidence presented on the PAUP would be as applicable to the districts administered by WDC and FNDC. There should have been consideration of the actual districts to which the plan changes were directed. No such consideration was given. Further non-attendance means that the witnesses could not have their evidence scrutinised and they could not be questioned by the Committee. The legal opinion and evidence, as attached to the submissions for Pastoral Genomics as presented to the district plan change on the Hastings District Plan, the authors of which were not present at the Northland hearings, should be treated similarly.*

8.2 *Leaving to one side the issue of respect for the Committee itself, I believe it is not unreasonable to say that the presentation of such evidence, (as prepared for the PAUP) albeit on the same subject matter without witness being present, suggests that no consideration has been given to the actual plan changes you are considering. At the very least one might have expected a statement from the witnesses saying they had considered the plan changes and believed that the evidence presented on the PAUP applied in the same manner but there was not even that level of consideration. The manner in which the evidence was presented shows a contempt for the process that WDC and FNDC have pursued. Such evidence/submissions should be entirely disregarded.*

We agree with Mr Mathias in that respect.

- Mr Gardner submitted that the EPA process was rigorous and that the terms 'take into account' did in fact represent a precautionary approach. We have a differing view on that matter taken in the context of the proposed Plan Changes provisions and Mr Mathias's advice that the Councils are required to 'give effect to'.

Mr Gardner through questioning conceded that GMOs could potentially be seen as a regional planning issue. Also in reply to questions Mr Gardner noted that the Plan Changes were contrary to FFs position on 'endorsing farmer's rights).

Mr Gardner confirmed FF's opposition to the proposals and his position was unchanged having read the Section 42A and Section 32 reports.

- Michael Finlayson advised us that he had been in Herikino since 2000. He was a Landcare Programme member with a lengthy record of contributions to pest eradication (30,000 hours of his time). He talked about the unintended consequences of GMOs. He referred to NZ's clean green image and how GMOs adversely affect that image. Overall he advocated a precautionary approach and thus supported the Plan Changes.

Thursday 16 June 2016

- Pastoral Genomics represented by Doctor Dunbier who spoke as an employee rather than an expert. He accepted that the Environment Court decision of Judge Newhook set the legal ground upon which we had to make our findings and recommendations. He supported national level regulation rather than the proposals. He advised that in his experience local regulation has problems. HSNO was a comprehensive piece of legislation in his view and was adequate to the task. He thought that the Section 32 reporting was deficient and that Doctor Grundy and Professor Heinemann were biased. He believed it was not feasible to dovetail the RMA and HSNO approaches and consenting processes would become prolonged. He was of the opinion that GMO crops were likely to have less unintended consequences than other methods such as mutations and cross breeding. He questioned the credibility of much of the research and information referenced by opposing submitters. He thought much of the opposition was value based and not scientifically based. He said we should "bite the bullet and regulate the product and not the process".
- Arnold James Kalnins a retired architect owned a lifestyle block and was a staunch opponent of GMOs. He endorsed the GE Free NZ evidence. He noted his research showed GMO and non GMO farms can't coexist. He noted that GMOs were

unpredictable technology. He gave examples of GMO related disasters and noted that GMO releases can't be 'recalled'. In terms of a clean green image no GMOs at all was the best safeguard. Unpredictability was a characteristic of the GMO context. He noted "we shouldn't dabble with creation".

- John Sanderson from Kerikeri was involved with natural products (and an ex aircraft engineer). He supported the proposals noting that the Councils had acted after listening to the communities. He agreed the approach was not duplication (with HSNO) but complementary. He also noted once the EPA approves a product they have no jurisdiction and after that a Territorial Local Authority ("TA") can manage as proposed. His view was that the MfE evidence that only the EPA has adequate expertise was 'scaremongering" and also that they were disingenuous. He noted the reference by other opposing submitters to HSNO and the term 'take into account' did not equate to a needed precautionary approach. He also noted that bonds were appropriate as any liability under HSNO only existed once there had been a breach. Penalties couldn't recapture an inadvertent release of a GMO for example.
- Colonel Bob Jones advised us his background as a scientist for the US Army. He also noted he had spent 2 years researching GMOs. He preferred that the proposed Plan Changes take a tougher stance but supported what was proposed in any event. He wanted any trials to be prohibited activities. He noted in respect of Doctor Dunbier's evidence that while HSNO is a national statute that the effects of GMOs were local and that is where they should be managed. He also noted there was no consensus information that GMOs were safe no matter what any of the opposing submitters had said. The EPA hardly ever rejected any application in his understanding.
- James Valley advised us of his concerns about the dangers of GMOs. He noted he had help set up the Hamilton Safe Food Campaign. He also noted the differences between genetic selection and GMOs noting the former did not introduce foreign genes. He provided us with an overwhelmingly long list of research and references in support of his position opposing GMOs. Mr Valley sought that any EPA approved GMO experiments or field trials be prohibited and also that all GMO releases be prohibited. Apart from that he supported the proposed Plan Change. He requested an amendment to the proposed provisions (PC 18) seeking the addition of a clause stating that any application to

release a GMO that is transgenic (foreign genetic material added) must be publicly notified and automatically declined. He also addressed the definition of both 'transgenic' and 'GMOs'. He reconfirmed that he sought outcomes as set out in the submissions he filed which supported the Plan Changes subject to some amendments.

- Martin Robinson and his witnesses Charles Nathan and Diana Ellis who were called under his umbrella as they had not lodged submissions but in the interests of natural justice the Commissioners advised that approach was acceptable and thus their views could be made known. Mr Nathan turned out to be well informed and a person of some importance in a range of local and wider Maori/Iwi groups and had some status in that regard. He advised us of the same opposing GMO Hui mandate that Doctor Pittman had referred us to. He also referred us to a Kemp document from 2008 and a Hapu management plan which had a policy of containment. (page 10 of the Section 42A report referred to the relevant Hapu management plan). He said within the Hokianga rohe GMOs were opposed. He supported the precautionary approach. Diana Ellis referred us to a You Tube video by Arpad Pusztai which provided evidence against GMOs.
- Fiona Robinson from Kerikeri supported the proposed Plan Changes. She talked about the clean green image being one reason people come to NZ. She spoke about organics and how gene insertions infect cells. She noted our immune systems were not designed to cope with GMO food products. She sought an organic GM free NZ.

The Joint Section 42A report prepared by Ms Wooster and Mr Badham was taken as read at the hearing. It had been pre-circulated to submitters and ourselves.

After adjourning the hearing on the 16 June 2016 and before closing on the 7 of July Ms Wooster and Mr Badham provided a written response to the evidence that had been heard over the hearing duration and re-confirmed to us that, subject to some amendments to the original recommendations (on Plan Change provisions detail) to us, that the Plan Changes be recommended to the Councils for approval with the submissions and further submissions to be determined accordingly.

We also received written submissions in reply from Mr Mathias, the Counsel for the two Councils.

Mr Mathias addressed a number of matters following the Commissioners' directions at the time of adjourning the hearing. Those included the following points, some of which were also directly addressed by Ms Wooster and Mr Badham in their reply.

- (i) What is the distinction between a genetically modified organism ("GMO") and a new organism and can the relationship between them in terms of the Hazardous Substances and New Organisms Act 1996 ("HSNO") and the Resource Management Act 1991 ("RMA") be clarified with particular relationship to the plan changes and in that regard is the existing definition of a GMO in the plan changes appropriate?*
- (ii) Are there any provisions in the Regional Policy Statement ("RPS"), other than the GMO provisions which are under appeal, which is in any way relevant, either positive or negative, to the plan changes?*
- (iii) What consideration was given to the use of the non-complying activity status in the plan provisions both in relation to the provisions of the plan changes and the S.32 analysis?*
- (iv) What is the position of the S.42A reporting officers on the proposed use of the controlled activity status as proposed by Dr Bellingham in his evidence?*
- (v) What is the status of the evidence and submissions presented by or on behalf of Federated Farmers and Pastoral Genomics where the evidence and submissions tendered was not in fact formally presented as either evidence or submissions to the Committee? Dr Bellingham's evidence to the Auckland Unitary Plan hearings was specifically referred to.*
- (vi) What is the Council's position on the proposition of duplication between the HSNO and RMA regimes in relation to GMOs?*
- (vii) Has their position on liability changed following submissions? How would the bonding regime envisaged by the plan changes apply?*
- (viii) How would the containment of trials once an EPA approval had been granted work in a practical sense?*
- (ix) What is the position of the S.42A reporting officers on the proposition that there be a total prohibition for both releases and trials as sought by some submitters?*
- (x) Has GMOs been identified in the relevant planning documents as a significant issue?*
- (xi) What is the difference in public participation opportunities under the different regimes*

provided by HSNO and the RMA? In particular making submissions on applications to EPA as against public engagement in planning processes under RMA.

- (xii) What provisions do the iwi/Hapu management plans listed in the Section 42A report have in regard to GMOs?*
- (xiii) Do provisions in iwi/Hapu management plans have any standing in relation to applications for approval to the EPA?*
- (xiv) Should the Committee consider the outstanding determination of the High Court on the appeal of the Environment Court decision?*
- (xv) What consideration should be given to the submission of Mr Valley in relation to transgenics and the definition of GMOs in the plan changes?*
- (xvi) How would monitoring work in terms of field trials with respect to access on adjoining or adjacent properties if required?*

We discuss our findings on these matters in the main body of this report.

6.2 Expert Evidence

Some evidence was pre circulated to us and that included;

- Evidence of Marty Robinson, Marion Thomson, Jon Manhire and Linda Zelka Grammer for Soil and Health Association of NZ Incorporated.
- An unsigned statement of evidence from the Ministry for the Environment.
- Statements of evidence from Doctor Kerry Grundy, Professor Jack Heinemann and Doctor John Small for the Far North and Whangarei District Councils.

We received limited expert planning evidence at the hearing with planning evidence received only from Mr Vern Warren, a very experienced qualified planner, who represented Soil and Health NZ.

We note particularly that it was unhelpful that both FF and the MfE requested potentially far reaching and fundamental amendments to the proposed Plan Changes but did not provide any expert planning analysis of the changes proposed in their submissions at the hearing.

An approach was taken by FF that the evidence presented to the hearings for GMOs in the Proposed Auckland Unitary Plan could be considered as evidence to the proposed Plan

Changes and without any of the experts who provided that evidence being in attendance to produce their evidence and to answer questions from the Commissioners.

In our opinion that is not an appropriate (or acceptable) approach and we consider that the request by that submitter in particular to adopt the use of the controlled activity approach for GMOs is not supportable by any expert evidence because of that failure.

7.0 SUBMISSIONS

The Section 42A report included a summary of the submissions and further submissions received to each of the Plan Changes and also included a copy of each submission. We have read all the submissions and have included below an overview of what the submitters requested and also what was raised at the hearing.

Collectively there were 589 submissions and 120 further submissions to the Plan Changes. The WDC received 284 submissions and 65 further submissions. The FNDC received 305 submissions and 55 further submissions. The submissions were categorised in sections as follows:

- Support - entire plan change as written.
- Support in part – specific amendment.
- Support in part – prohibited activity status.
- Oppose – entire plan change.
- Oppose in part – specific amendments.

When making our recommendations to the Councils, and when they make their subsequent decisions, under Clause 10 of the First Schedule of the RMA, it is necessary to give reasons for allowing or not allowing any submissions (grouped by subject matter or individually) either in part or wholly. The recommendations and the Council decisions may also include consequential alterations arising out of submissions and any other relevant matters considered relating to matters raised in submissions.

We took as read the Section 42A report that had been prepared by Council reporting officers. It had been pre-circulated to submitters and ourselves. The planning report was structured under headers identifying the different issues.

That report helpfully provided us with a tabulated reference to the issues.

Under each issue identification of the details contained within the submissions (and allied further submissions) was followed by a discussion on the submissions and a determination recommendation to us. We were able to question the submitters and experts as the hearing proceeded. We note that we agree with the recommendations made by the reporting officers. The principal parts of the Section 42A report that address the submissions and make recommendations has been adopted by us as the structure to be followed in our findings on the submissions to the Plan Changes. The final recommended versions of the proposed provisions are attached as Attachments A and B to this recommendation report.

The Commissioners wish to acknowledge the appearance of the submitters, and/or their representatives, and also the tabled information from submitters, at the hearing, both in support and opposition to either the whole or parts of the Plan Changes. The information that was provided from the submitters assisted us in understanding the issues and reaching our findings and recommendations.

8.0 STATUTORY CONTEXT

Section 74 of the RMA sets out the matters to be considered by a territorial authority in preparing or changing its district plan. These matters include doing so in accordance with its functions under Section 31, the provisions of Part 2 and its duty under Section 32. Further, also having regard to other documents, including regional planning documents, management plans and strategies prepared under other Acts and iwi planning documents.

Section 75 of the RMA, in addressing the contents of district plans, requires that a district plan must give effect to any national policy statement, any New Zealand Coastal Policy Statement any regional policy statement and must not be inconsistent with a regional plan.

Section 31 addresses the functions of territorial authorities under the RMA and includes:

- (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;*
- (b) The control of any actual or potential effects of the use, development, or protection of land,...*

Section 32 RMA provides for the consideration of alternatives, benefits, and costs and requires that an evaluation must be carried out and that an evaluation must examine:

- (a) The extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

For the purposes of this examination, an evaluation must take into account the benefits and costs of policies, rules, or other methods.

Part 2 of the RMA, being the purpose and principles of the statute, is the overarching part of the RMA. Regard is to be given to all matters within it.

Part 1 of Schedule 1 to the RMA applies to plan changes by local authorities. Clause 10 states a local authority must give a decision on the provisions and matters raised in the submissions received to the plan change and must include the reasons for accepting or rejecting any submissions. In doing so a local authority may address the submissions by grouping them according to the provisions of the plan change to which they relate or the matters to which they relate and, may include matters relating to any consequential alterations necessary to the plan change arising from the submissions. A local authority is not required to give a decision that addresses each submission individually. A local authority may also withdraw its plan change in which case that action is to be notified and reasons given for doing so (Clause 8D).

9.0 STATUTORY CONSIDERATIONS

We have carefully considered the statutory and other plans listed under section 6.0 of the Section 42A report and find that the Plan Changes as modified will be consistent with those documents listed.

9.1 General

The Councils had completed an evaluation of the Plan Changes with regard to Part 2 of the RMA which included the purpose of the Act as contained in Section 5, Section 6 - Matters of National Importance, Section 7 - Other Matters and Section 8 - Treaty of Waitangi.

The Councils had also considered Section 31 of the RMA which sets out the functions of territorial authorities in giving effect to the purpose of the RMA and an evaluation in accordance with Section 32 of the RMA.

Section 32(1) states that an evaluation must:

- Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
- Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
- Identifying other reasonably practicable options for achieving the objectives; and
- Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- Summarising the reasons for deciding on the provisions; and
- Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

An assessment under subsection s32(1)(b)(ii) must—

- Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
- Economic growth that are anticipated to be provided or reduced; and

- Employment that are anticipated to be provided or reduced; and
- If practicable, quantify the benefits and costs referred to in paragraph (a); and
- Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Any evaluation in terms of Section 32 is ongoing, and must be undertaken to confirm the appropriateness of the Plan Changes. We were told that the Section 32 Reports were completed prior to notification and that the Reporting Officers had no involvement in the preparation of the Section 32 Evaluation but that they had reviewed the Evaluation and supporting material referenced within it and considered the Evaluation to be comprehensive and to demonstrate careful consideration of the issues and options relevant to the proposed Plan Changes provisions.

We were provided with and have read the legal opinions of Dr Somerville that the Section 32 Evaluation was properly carried out and subsequently reassessed after the RMA amendments in 2014 and it met the new statutory criteria. While some submitters in opposition dispute that we find that the Section 32 reporting met the statutory requirements, was robust and reflected an iterative evolution that occurred over a period of analysis and evaluation of up to 14 years duration and was inclusive of the findings of a range of experts who we note also advised the Auckland Unitary Plan Hearings Panel on the same GMO related matters.

For the reasons set out in this recommendation report we have concluded that the Section 32 Evaluation does demonstrate that the proposed objectives are the most appropriate means of achieving the purpose of the RMA and that the proposed provisions are the most efficient and effective means of achieving the objectives.

9.2 National Policy Statements

There were no national policy statements relevant to the Plan Changes although a number of submitters did refer to the possible release of a National Policy Statement on Production Forestry. However, as no Statement has been released it does not have any legal effect and we do not believe that it is relevant to our consideration of the Plan Changes.

9.3 Proposed Northland Regional Policy Statement (PRPS)

The plan changes are subject to the PRPS and the Section 42A Report in section 6.0 outlined the Reporting Officers opinions which were that the provisions in the PRPS do not prevent the Plan Changes proceeding and that in any event, the PRPS provisions should be attributed little weight as they are still subject of an appeal.

We had read and were also told during the hearing of evidence that the Operative Regional Policy Statement (RPS) does not contain provisions relating to GMOs but that provisions had, after hearings, been included in the PRPS and that these provisions had been appealed firstly to the Environment Court and then to the High Court on points of law by FF. At the time of our hearing and making our recommendations to the Councils, the High Court had not released its decision and we have therefore taken the Environment Court decision as the current law when making our recommendations.

Responding to our questions we were told that the RPS does not exclude the District Councils' from regulating for GMOs within their areas and as a result of the evidence, submissions and legal advice we received we have concluded that the Plan Changes (as amended in accordance with the reporting planners recommendations) will remain consistent with the operative RPS.

9.4 Iwi and Hapu Management Plans

Section 74(2A) of the RMA requires territorial authorities to take into account any relevant planning document recognised by an iwi authority to the extent that its content has a bearing on the resource management issues of the district.

Although Iwi and Hapu Management Plans were referenced in the Section 32 Report it did not (at that time) provide a list of all of the relevant Iwi / Hapu Management Plans for the Far North and Whangarei Districts, and additional Iwi / Hapu Management Plans have been formally recognised by the Councils since the Section 32 Report was completed. A list of the formally recognised Iwi / Hapu management plans for each Council is provided below.

There are seven recognised Iwi / Hapu Management Plans in the Far North District:

- Ngati Kuta ki Te Rawhiti Hapu Management Plan fifth edition
- Ngati Rehia Enviromental Management Plan 2007

- Te Iwi o Ngatiwai Iwi Environmental Policy Document 2007
- Nga tikanga o te taiao o Ngati Hine 2008
- Nga ture mo te taiao o Te Roroa 2008
- Te U kai Po Te U Kai Po Iwi Environmental Management Plan o Nga Iwi o Whaingaroa 2011
- Te Kahukura a Ngati Korokoro, Ngati Wharara me Te Pouka 2008

There are four recognised Iwi / Hapu Management Plans in the Whangarei District¹:

- Ngatiwai – “Te Iwi o Ngatiwai: Iwi Environmental Policy Document 2007”
- Ngati Hine – “Ngati Hine Iwi Environmental Management Plan 2008”
- Patuharakeke – “Patuharakeke Hapu Environmental Management Plan 2014”
- Ngati Hau – “Hapu Environmental Management Plan 2016”

We were told that those documents generally oppose the release of GMOs to the environment, advocate a precautionary approach to GMOs and that some advocate local management of GMOs.

The opinions of the Reporting Officers after having reviewed each document and taking into account the provisions were that the proposed provisions of the Plan Changes were consistent with, and in some respects will help achieve the outcomes sought in the documents.

We heard evidence from a number of iwi representatives/witnesses who all spoke in support of the Plan Changes and the Councils’ actions in trying to protect the community. We were also told by Mr Charles Nathan that at a Hui in 2012 there was a unanimous vote to ban GMOs in the area from the Bombay Hills to Cape Reinga.

In respect of those matters Mr Mathias in his reply submissions advised that;

12.1 Part 2 of the RMA has a more broadly drawn sustainable management purpose. It specifically addresses people and communities providing for their social, economic and cultural well-being and for their health and safety while "safeguarding the life-supporting capacity of air, water, soil and ecosystems".

¹ It is noted that some iwi / hapu management plans transcend the Council boundaries and are recognised by both WDC and FNDC.

12.2 Further S.6 requires recognition and provision as matters of national importance (my emphasis)

(c) *The protection of areas of significant indigenous vegetation and significant habitat of indigenous fauna.*

(e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.*

12.9 Further Part 2 requires particular regard to be had in the management of the use, development and protection of natural and physical reserves, to Kaitiakitanga

12.10 These principles it is submitted point to an enhanced role for Maori under the RMA than that provided for in HSNO.

Based on the advice we received and the evidence in front of us we have concluded that the overarching position of Iwi is to generally oppose GMOs. That is a fundamental Part 2 consideration that we have taken on board in reaching our recommendations.

9.5 Hazardous Substances and New Organisms Act 1996 (HSNO)

The majority of submissions in opposition to the Plan Changes related to the matter of jurisdiction, the role of the RMA and HSNO in the management of GMOs and that central government has sole responsibility to regulate GMOs through the EPA under HSNO. They also thought it is more efficient and effective to manage GMOs at the national level and that it was not appropriate to have duplication or more restrictive regulation at the local level under the RMA as the HSNO provides for satisfactory management of GMOs. Those in opposition who attended and spoke at the hearing reiterated this view.

The Reporting Officers focused their evidence on the provisions of the Plan Changes in terms of achieving the relevant requirements of the RMA. They did not provide a detailed analysis of the HSNO provisions which were set out in the FE decision by Judge Newhook which was attached as Attachment 10 to their report and discussed further in the legal submissions of Mr Mathias on behalf of both Councils.

We had read the decision of the Environment Court before the hearing and have referred to it during our deliberations and believe that it does provide a very clear exposition of how the

HSNO and RMA complement each other, rather than duplicate functions. The Court found that HSNO and the RMA have different purposes and roles in relation to GMOs. HSNO's purpose and role is to assess new organisms (including GMOs) for approval (or not) for introduction into New Zealand. Once released in New Zealand, they are no longer considered new organisms and HSNO has no further role. The RMA, on the other hand, is a comprehensive statute that regulates the use of all natural and physical resources in an integrated manner over time so as to achieve the sustainable management of those resources. Natural and physical resources, as defined in the RMA, encompass GMOs.

Both Reporting Planners gave evidence (via the Section 42A report, in answer to questions and in their reply comments) (which was not contradicted by any other planning expert at the hearing), that in their view, the Plan Change provisions prepared under the RMA were not in conflict with HSNO and that they considered that the provisions were complementary, and in some cases, additional to the controls on GMOs that can be applied by the EPA under HSNO. Their joint opinion was that the provisions represent an appropriate response, given the level of scientific uncertainty highlighted by Professor Heinemann, the economic analysis of Doctor Small and the level of concern expressed by the community.

Based on all the submissions and evidence that was put before us and taking into account the decision of the Environment Court and the advice to us that the Court decision establishes the current law that we must consider, we are of the view that the proposed Plan Changes do not duplicate what is provided in HSNO; rather that they complement the HSNO processes.

We note that there are other instances where Councils consider issues under the RMA which are also considered under other legislation such as the Building Act, Civil Aviation Act and Historic Places Act.

10.0 PRINCIPLE ISSUES IN CONTENTION AND FINDINGS

Having read the submissions, evidence and tabled evidence and the Section 42A Report and attachments and listened to the evidence presented at the hearing we consider now the principle issues in contention and our findings in respect of each issue.

10.1 The Overall Purpose and Scope of the Plan Changes

The overall purpose and scope of the Plan Changes was limited to a relatively confined and focused set of the effects associated with GMOs.

10.2 Jurisdiction

A number of submitters, including the MfE, FF and Pastoral Genomics who all had representatives attend the hearing, opposed the Plan Changes, in part, on the basis that there is no jurisdiction for local authorities to manage and control GMOs in New Zealand and that sole responsibility should be with central government and more specifically the EPA under HSNO.

We note that the issue of jurisdiction for local authorities to regulate GMOs under the RMA was recently subject to an appeal to the Environment Court in Federated Farmers of New Zealand v Northland Regional Council [2015] NZRMA 217. A copy of the decision was attached to the Section 42A report. In that decision, Principal Environment Court Judge L J Newhook determined that there is power under the RMA for regional councils to make provision to control the use of GMOs through regional policy statements and plans.

Although the decision is currently subject to an appeal to the High Court by FF based on points of law, the Environment Court decision, we were told, was the current legal position on jurisdiction and this was addressed by Councils' legal representative Mr Mathias in his statement to us. In addition Mr Gardner for FF and Doctor Dunbier for Pastoral Genomics did acknowledge that based on the Environment Court decision that the Councils do have jurisdiction.

We note also that although the MfE opposed the Plan Changes and had a representative present a statement at the hearing no expert evidence was presented by the MfE and it did confirm in paragraph 7 of the statement that the Court's finding is in line with statements from Government in the past and Crown law advice but did go on to say that local authorities must pass the statutory tests in the RMA and that the MfE maintains that the Councils have not passed the statutory tests.

In relation to the matter of duplication of regimes Mr Mathias in his reply submissions advised us as follows;

- 9.1 *While it is clear that both the RMA and HSNO have provisions in common and both record that amongst their purpose and principles is the protection of the environment and the health and safety of people and communities the focus of HSNO is clearly more limited than that of the RMA. It only applies to hazardous substances and new organisms. It has a specific focus on considering their risks and benefits before approving their introduction into New Zealand for research in containment, field trialling or release to the environment. Its focus is on the decision whether to allow importation into New Zealand rather than the on-going integrated management of the resource (GMOs) itself.*
- 9.2 *The consideration of effects under the two statutes is also different. The definition of effect in the RMA includes "any potential effect of high probability" and "any potential effect of low probability which has a high potential impact". These aspects are not included in the definition of effect under HSNO. Also cumulative effects are treated differently under the two statutes. Whilst both refer to cumulative effects which arise over time or in combination with other effects the definition in the RMA extends to other effects "regardless of the scale, intensity, duration, or frequency of the effect".*
- 9.3 *This feature, or point of differentiation, was considered by the Environment Court in considering the differences between the meaning of effect in the RMA and HSNO. The Environment Court found that cumulative effects are dealt with in somewhat more detail in the RMA*
- 9.4 *This point of difference was also identified by the Environment Court in NZ Forest Research Limited v Bay of Plenty Regional Council 14 where the Court held that ~~Section 3(f) of the RMA, extending the definition of effect to include "any potential effect of low probability, which has a high potential impact",~~*
- "... most certainly points to taking a precautionary approach -indeed it may go further than a precautionary approach would ordinarily be thought to require because it is premised on a given effect having a known low probability of occurrence, and an unknown likelihood of a possible high impact".*
- 9.5 *It is also submitted that there is a different risk assessment process between the two enactments. The evaluation of S.32 in the RMA is to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*
- 9.6 *Similarly the reference to risk in S.32(4)(b) of the RMA in the context of uncertain or insufficient information, requires local authorities to consider a precautionary management approach which would entitle them to take anticipatory measures and to*

consider alternatives in light of potential significant or irreversible harm that could result from proceeding on the basis of uncertain and/or inadequate information.

9.7 *It might be considered that this reference to risk is wider than the wording in S.7 of HSNO which refers to scientific matters when taking a precautionary approach.*

9.8 *The regulatory function/jurisdiction under HSNO is limited to the importation for release and/or release from containment of new organisms. When exercising that function to achieve the purpose of HSNO the focus is on the risks and benefits of importing GMOs into New Zealand at a national level. Assessment at a regional, (and therefore at a district level), follows upon a HSNO determination. There is a different functional approach involved.¹⁵*

9.9 *As the Environment Court stated at paragraph 50 of its decision, the High Court in Bleakley v Environmental Risk Management Authority¹⁶ recognised that RMA provisions go significantly beyond the narrower provisions of HSNO. Adverse effects on the environment resulting from applications which have been granted approval under HSNO will continue to be dealt with under the RMA.*

9.10 *As identified in both these decisions there are two regimes. While there are elements of duplication there are significant points of difference so providing for controls under the RMA is not simply a duplication of the HSNO regime. It would recognise, as identified by the Environment Court, the wider role that the RMA plays in the management of natural and physical resources.*

9.11 *HSNO is also an act which has a national rather than a community/district base as the area of its consideration. The RMA, on the other hand has a local and regional focus. This was addressed in my opening submissions so will not be traversed.*

Following from Mr Mathias's advice, and as we have noted elsewhere in this recommendation report, we consider that the Councils have met the appropriate statutory tests and overall, based on the Environment Court Decision and the submissions and evidence presented to us, we are of the unanimous opinion that the Councils have jurisdiction to manage and control GMOs within their respective District Plans.

If following the High Court Decision sought by FF we are found to be wrong in that regard (or if there are any changes to the relevant legislation) then the matter will no doubt be addressed through the appropriate statutory processes in any event.

10.3 Integrity of the Section 32 Evaluation

Based on the evidence we consider that the Councils have complied with the Act in regards to the Section 32 analysis. A number of submissions in opposition to the Plan Changes considered that the Section 32 analysis was not adequate for a number of reasons. Those reasons included;

- The evaluation does not meet the necessary requirements of Section 32 of the RMA.
- The scientific conclusions underpinning the Section 32 evaluation are outdated and wrong.
- The evaluation overstates the economic risks of GMOs and understates the potential benefits of GMOs.

At the hearing we heard from a number of submitters (FF, MfE and Pastoral Genomics) regarding this matter but we did not hear any expert planning evidence to refute the Reporting Officers' professional opinions. We were also told in evidence and at the hearing by Doctor Grundy (witness for the Councils) that the Section 32 Evaluation was one of the most extensive evaluations he had seen in his career. Doctor Grundy also told us that, contrary to the issue raised by some submitters that the evaluation was biased because Professor Heinemann and he had completed it, that neither he nor Professor Heinemann had any involvement in the preparation of the Section 32 analyses at any time. We were told that the Inter Council Working Party draft Section 32 Report was written by Mitchell Partnership in conjunction with Duenorth Ltd and Simon Terry Associates and that prior to publication of the central background report to the draft Section 32 Report an independent peer review was undertaken by an academic at Victoria University of Wellington.

Having read all the submissions and evidence on this matter and having read and listened to Professor Heinemann that there is scientific uncertainty regarding the use of GMOs, and as such there are scientific grounds to exercise precaution, as proposed by the Councils in the Plan Changes provisions we agree with his opinion and note that although Doctor Dunbier did

appear before us on behalf of Pastoral Genomics we did not hear any independent expert evidence to refute that of Professor Heinemann. Another issue regarding the Section 32 Evaluation related to the economic risks of GMOs and this was addressed in the expert evidence of Doctor Small. Again, we did not hear any expert evidence in opposition to his evidence although we do acknowledge that there was some economic evidence attached to the submissions and circulated evidence but for whatever reasons opposing parties did not call any expert to give evidence.

We rely on Doctor Small's evidence with regard to the potential economic costs and benefits of the proposal and his conclusion that there is a benefit from taking a precautionary approach to the release of GMOs and that the potential costs are modest.

Having taking into account all the submissions and evidence before us we are of the view that the Section 32 Evaluation prepared for the Plan Changes is comprehensive and demonstrates careful consideration of the preparation of the proposed provisions. Overall we consider that the evaluation demonstrates that the proposed objectives are the most appropriate to achieve the purpose of the RMA and that the proposed provisions are the most efficient and effective means of achieving the objectives.

10.4 Precautionary Approach and Non-Complying//Prohibited Activity Status

We heard a range of opinions and views on the appropriateness of a precautionary approach and the merits or otherwise of prescribing a prohibited activity status to the outdoor release of GMOs. FF, MfE and Pastoral Genomics represented the opposing position on both management of GMOs through the Plan Changes and the hierarchical activity status given to activities including prohibited activities. Supporting submissions generally were in accord with the proposal apart from some who sought greater or more stringent control of activities at all levels. A number of submitters sought prohibited activity status for field trials.

Mr Mathias provided us with some advice regarding the possible appropriateness of a non complying activity status for outdoor release of GMOs. He advised us that the use or not of non complying activity status was properly canvassed in the Section 32 assessment report. He noted that;

- (1) *In the first report prepared for the Inter Council Work Party ("ICWP") entitled "Community Management of GMOs: Issues, Options and Partnership with Government" prepared by Simon Terry Associates⁸ the report authors analysed the issue, (that being recorded as "cultivation of GM crops will cause trace contamination in non GM crops"), with a detailed consideration given to the precautionary approach in considering issues of liability and compensation. The authors prepared a detailed analysis of the response options available. Under Section 4.3.2 of this report – pages 27 through 29 - analysis was given to the controls available through the RMA. This identified that amongst the type of controls available was that of non complying status.*
- (2) *The second report commissioned for the ICWP entitled "Community Management of GMOs II: Risks and Response Options" prepared by Simon Terry Associates and Mitchell Partnerships⁹ contained a detailed analysis of the mechanisms available under the RMA as a response framework to the risk of GMOs.*
- (3) *Section 4 of this report (p.47 – 52) considered the process involved in decision-making and the availability of the RMA for GMO management. Included in that report at para 51 it identified that non complying activity status was a means of activity control – see p.51 paras 3 and 7.*

In Section 4.5 of this report discretionary and prohibited activities were given more detailed analysis, such categories of use having been identified in the context of activity categorisation ranging from permitted at one extreme to prohibited at the other. Particular analysis was given to the categories of discretionary and prohibited activities those having been identified as the most appropriate status for the activities which were under consideration.

- (4) *The third report commissioned from the same authors of the second report for the ICWP entitled "Community Management of GMOs: Recommended Response Options"¹⁰ contains further detailed analysis. This analysis supported the previously recommended activity categories of discretionary for field trials and prohibited for releases into the environment. In the appendix to this report there is a high level description of proposed rules based on such activity categorisation.*
- (5) *In the S.32 report the rationale for adopting the chosen activity categories is outlined in section 4.3.1 (see p.27 -29) with an assessment being made of the policies, rules and other methods in Table 2 on p.39 - 43.*

- (6) *Throughout the S.32 preparation process legal reviews were undertaken by Dr Somerville QC. His analysis and the rationale for adopting various activity status for GMOs land use is included in his first opinion dated 23 February 2004. ¹¹ At p.23 he identifies a check list for establishing district plan provisions.*
- (7) *In his third opinion dated January 2013, ¹² Dr Somerville focused on the legal implications of the proposed policies and rules following classification of GMO activities as prohibited or discretionary in order to achieve the objective of a precautionary approach to managing the risks of GMOs. He considered the evaluation that leads to this classification met the requirements of S.32 of the RMA.*
- (8) *It is submitted that the S.32 analysis is comprehensive and robust. It presents a clear logic to the classification of activities as permitted, discretionary and prohibited those being based on the level of risk posed by the different land use activities involving GMOs.*
- (9) *Throughout the process consideration has been given to the various statuses of activities in terms of the RMA. A sound basis is established for the classification as permitted, discretionary and prohibited in order to achieve the objectives of the RMA and, when necessary, the need for a precautionary approach to manage the risks of GMOs where such risk is identified is specified.*
- (10) *Dr Somerville has determined that the evaluation process leading to this classification met the requirements of S.32 of the RMA.*

We find that Mr Mathias has set out succinctly the relevant matters that we must consider in relation to this aspect of considering appropriate planning approaches and the appropriate hierarchy of land use activities and concur with the conclusions he reaches. In respect of outdoor field trials and the appropriate activity status we concur with the reporting planners where they state in that regard in the Section 42A report at para 90 that;

“We do not support the request for a prohibited activity status for field trials. In our view, it is important that the GMO provisions do not totally foreclose potential opportunities for the outdoor use of GMOs in the future, should new evidence demonstrate that a particular GMO is safe and significantly beneficial. Field trials are an important component in obtaining that evidence and a prohibited activity status unduly restricts them. We consider that a discretionary activity status is appropriate for field trials. In our opinion, a discretionary activity status provides flexibility for field trials to occur where they can be proven to be safe

and beneficial, while also providing scope for many of the concerns raised in the submissions, to be appropriately considered and addressed on a case by case basis”.

Accordingly we find that the proposed methods are appropriate and accord with sound resource management principles and approaches and in the context of the relevant planning districts, will deliver a planning framework that reflects the views of majority of the submitters who participated in this planning process.

10.5 Liability and Bonds

In regard to the issues around the appropriateness of the proposed provisions related to Liability and Bonds we again rely strongly on the advice of Mr Mathias. He advised us as follows in his reply submissions;

10.1 The policies for land use controls being imposed in relation to GMOs in the plan changes record that the Councils envisage any resource consent granted for field trials being subject to conditions to ensure the consent holder is "financially accountable" for any "adverse effects associated with the activity" and that such will be done "via the use of bonds". Further the policies identify that a resource consent granted would also require monitoring costs to be met by the consent holder with further provision for a consent holder to be liable for "adverse effects caused beyond the site".

*10.2 The development of performance standards for the WDC plan change envisage a performance bond with an "approved trading bank" guarantee while the FNDC provision (Rule 19.6.2.2) details its requirement for a bond being "akin to a bank guarantee". **If** the question of the committee is directed at the limitation of bonding to a "trading bank" then consideration may need to be given as to whether any submission actually sought that the category of party who might provide guarantees could be wider than approved trading banks. The thrust of the submissions opposing the liability regime envisaged by the plan changes was not so much at the specification of the requirement of any bond to be from an approved trading bank but rather at the requirement of a bond. The Councils' position on liability has not changed following submissions.*

10.3 While the category of entity which could be approved for bonding purposes might be wider than trading banks they are the usual entities that local authorities accept as guarantors of performance bonds.

10.4 Certainly the FNDC plan change is less prescriptive as to the party which is to provide the guarantee and in theoretical terms there would be no reason why the category of

guarantor could not be extended to include approved insurance companies albeit that insurance companies do not, or at least in WDC's experience, commonly provide this type of guarantee. In the current commercial world one finds this form of security being offered by trading banks rather than insurance companies.

10.5 As the provision of bonds is a point of submission, it being contended there should be no bonding, so the nature of the guarantor is seemingly within scope although it is not understood that any party specifically sought or gave evidence which would support a wider category of guarantor than that provided by the plan changes.

10.6 If the Committee considers a wider category of guarantors should be specified there would seem to be no bar to such provision within the plan changes.

We note that a number of submitters specifically addressed this matter and generally were in support of the proposed provisions in this regard noting that one of the prevailing reasons for that was the view that those provisions avoided transferring any subsequent liability to unknown third parties and keep the parties responsible for any adverse impacts as the liable party. In our finding, that is an appropriate approach and is consistent with basic principles of natural justice. It is also one of the tools available for use under Section 108 of the RMA.

10.5 Iwi Interests and Weighting in Terms of Relevant Statutory Context

The question was posed to Mr Mathias as to whether any provisions in Iwi/Hapu Management Plans have standing before the EPA given MfE argued that the EPA gives such matters adequate consideration.

Mr Mathias advised us that in relation to EPA processes and any consideration of Iwi interests under HSNO that;

12.3 In my submission they have no greater standing than any other submitter. Such plans have no identified status under HSNO.

12.4 This can be contrasted with the RMA where tangata whenua have a much greater role.

12.5 S.35A RMA requires district councils to keep a record of each iwi and Hapu within its district and the planning documents recognised by an iwi authority.

This gives a legislative acknowledgement of such plans which is not replicated in HSNO.

- 12.6 *S.36B RMA then entitles a local authority to enter into a joint management agreement with an iwi authority which can provide for the parties to jointly perform or exercise a local authority's functions in relation to a natural and physical resource.*
- 12.7 *The definition of such an agreement in S.2 RMA provides a wide scope for such agreements. They can cover broad or narrow RMA issues.*
- 12.8 *While Ss.6(d) and 8 HSNO require the EPA to take into account the relationship of Maori with their (inter alia) valued flora and fauna and the Treaty of Waitangi. These requirements are not as broadly drawn as similar provisions in Part 2 of the RMA.*
- 12.9 *Part 2 of the RMA has a more broadly drawn sustainable management purpose. It specifically addresses people and communities providing for their social, economic and cultural well-being and for their health and safety while "safeguarding the life-supporting capacity of air, water, soil and ecosystems".*
- 12.10 *Further S.6 requires recognition and provision as matters of national importance (my emphasis)*
- (c) The protection of areas of significant indigenous vegetation and significant habitat of indigenous fauna.*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.*
- 12.11 *Further Part 2 requires particular regard to be had in the management of the use, development and protection of natural and physical reserves, to Kaitiakitanga.²⁹*
- 12.12 *These principles it is submitted point to an enhanced role for Maori under the RMA than that provided for in HSNO.*

We concur with Mr Mathias and note that we had evidence that Iwi / Hapu Management Plans and an identified Hui resolution clearly opposed GMOs in Northland.

11.0 WILL THE PLAN CHANGES ACHIEVE WHAT THEY SET OUT TO ACHIEVE

We find, from the submissions, evidence, the evidence at the hearing and our observations that the Plan Changes with minor amendments will achieve the purposes set out in the proposed objectives. The purpose of the Plan Changes is clear and they have significant support from the affected local communities. Opposing submitters represent organisational positions in the main and rely upon a regime under HSNO administered by the EPA whereby there is discontent by

many submitters that EPA processes do not adequately engage with local communities thus the support for a RMA regime which complements the HSNO regime through a local effects based regime directed to the local community context.

12.0 SECTIONS 31 AND 32 RMA

Before a plan change is publicly notified an evaluation must be carried out by the Council that must examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the RMA; and
- Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

An evaluation must take into account:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

A report is required to be prepared summarising the evaluation and give reasons for that evaluation.

These Section 32 “tests” are fundamental to the consideration of any plan change and when discussed reference is usually made to relevant case law that is the Environment Court decisions relating to Nugent, Eldamos and Long Bay.² Those decisions have considered the Section 32 process in detail and serve to highlight the importance of it as the basis on which any plan change proceeds.

The Plan Changes were accompanied by two Section 32 Evaluations. We reviewed those reports and have considered the submissions raising issues about the rigorousness of the Section 32 assessments. We have reached the view that the Plan Changes are necessarily,

² *Nugent Consultants v Auckland City Council*, NZRMA 481, 1996; *Eldamos Investments v Gisborne District Council*, Decision WO47/05; and *Long Bay Okura Great Park Society Incorporated & Others v North Shore City Council*, AO78/2008.

and have been demonstrated satisfactorily to be, the most effective means of achieving the objectives of the Plan Changes.

The Section 31 RMA functions include requiring the control of any actual or potential effects of the use, development, or protection of land. The range of actual or potential effects arising from the Plan Changes has been addressed in the Plan Changes documentation and in the Councils' Section 42A report.

We are satisfied that all actual and potential adverse effects associated with the Plan Changes have been taken into account in preparing them.

We have found that the range of actual or potential effects arising from the Plan Changes have been properly addressed in the Plan Changes documentation and in the joint planning report.

We are satisfied that all actual and potential adverse effects associated with the Plan Changes have been taken into account in preparing the Plan Changes provisions and the modifications recommended by the reporting planners improve the Plan Changes.

Overall we conclude from the Section 32 Evaluation that the approach adopted in the Plan Changes meets the Section 32 tests of the RMA.

13.0 REPORTING PLANNERS AMENDMENTS TO THE PLAN CHANGES

The Reporting Planners recommended a number of amendments to the Plan Changes provisions following their consideration of the submissions prior to the hearing. At the end of hearing submissions on 16 June they requested time to consider all the submissions and evidence that had been heard and/or tabled and requested an opportunity to put their response in writing at a later date. After discussing the issue we decided to adjourn the hearing until 7 July 2016 when we closed so that Ms Wooster and Mr Badham could put their response in writing. This response was received on 28 June 2016 and included amended Plan Changes provisions reflecting the discussions during the hearing and also included the legal submissions in reply from Mr Mathias the Councils' legal adviser.

Ms Wooster and Mr Badham gave an overview of their joint response and said that they considered that the framework could be maintained with a few minor modifications which they provided.

14.0 CONCLUSIONS ON THE PLAN CHANGES

Our principal finding is that the Plan Changes should be approved, in accordance with our commentary above and the recommendations in Appendices A and B as set out below.

The Plan Changes should be amended in accordance with the recommendations of the Reporting Planners provided to us as part of their reply responses.

15.0 THE COMMISSIONERS' RECOMMENDATIONS ON THE PLAN CHANGES

Having had regard to the provisions of the Resource Management Act 1991 and in particular to Section 74, Section 75, Section 31 and Section 32;

and,

Having considered the actual and potential effects on the environment of the proposed Plan Changes and the avoiding, remedying and mitigating of those effects;

and

Having considered the details of the proposed plan changes, the submissions, the further submissions, the legal submissions and the evidence in support of those submissions and further submissions, and the Joint Section 42A report from the FNDC and WDC Reporting Planners at the hearing of the proposed Plan Changes and submissions;

and

Acting under a delegation from the FNDC and WDC to hear and recommend to them decisions on the proposed Plan Changes and the submissions and further submissions;

and

For the reasons set out in this report, our recommendations are as follows:

A Recommendations to the Far North District Council on Proposed Plan Change 18

That pursuant to Clauses 29 and 10 of Schedule 1 of the Resource Management Act 1991,

- The Proposed Plan Change 18 to the Far North District Plan be approved with modifications; and.
- Those submissions and further submissions which support the Proposed Plan Change are accepted to the extent that the Proposed Plan Change is approved with modifications; and
- Those submissions and further submissions which seek further changes to the Proposed Plan Change are accepted to the extent that the Proposed Plan Change is approved with modifications; and
- Except to the extent provided above, all other submissions and further submissions are rejected.

The consequential modifications to the text of the Plan Changes as a result of our recommendations for the Plan Change to be approved are attached as **Attachment A**.

B Recommendations to the Whangarei District Council on Proposed Plan Change 131

That pursuant to Clauses 29 and 10 of Schedule 1 of the Resource Management Act 1991,

- The Proposed Plan Change 131 to the Whangarei District Plan be approved with modifications; and.
- Those submissions and further submissions which support the Proposed Plan Change are accepted to the extent that the Proposed Plan Change is approved with modifications; and
- Those submissions and further submissions which seek further changes to the Proposed Plan Change are accepted to the extent that the Proposed Plan Change is approved with modifications; and
- Except to the extent provided above, all other submissions and further submissions are rejected.

The consequential modifications to the text of the Plan Changes as a result of our recommendations for the Plan Change to be approved are attached as **Attachment B**.

Hearings Commissioners Barry Kaye (Chair), Bill Smith and Willow-Jean Prime:

A handwritten signature in black ink, appearing to read "Barry Kaye", with a long horizontal flourish extending to the right.

Barry Kaye

Hearings Chair on behalf of Commissioners Smith and Prime

Dated: 31st July 2016

19 GENETICALLY MODIFIED ORGANISMS

CONTEXT

Genetic modification (GM) refers to a set of techniques that alter genetic makeup by adding, deleting or moving genes (within or between species) to produce new and different organisms. Genetically modified organisms (GMOs) are products of genetic modification. Another term often used to refer to the same technique is genetic engineering (GE).

A wide range of GM products are being researched and developed for commercialisation. While the GMOs commercialised to date are, in general, directed at reducing harvest losses by combating pests and viruses, research into future varieties is attempting to considerably widen the scope of applications. This includes improved growth in plants, improved tolerance to environmental conditions, and creating entirely new products and sectors of economic activity in agriculture, horticulture, plantation forestry, dairying, aquaculture and medicine.

The absolute and relative benefits associated with the development and use of GMOs is continually being redefined as this and other forms of applied biotechnology advance. However there remains scientific uncertainty with respect to potential adverse effects of GMOs on natural resources and ecosystems. The risks could be substantial and certain consequences irreversible. Once released into the environment, most GMOs would be very difficult to eradicate even if the funding were available for this, irrespective of the consequences. If the GMO is related to a food product, the “GE Free” food producer status of a district or region would likely be permanently lost, along with any marketing advantages that status confers.

The relevant legislation which applies to the management of GMOs in New Zealand is the Hazardous Substances and New Organisms Act 1996 (HSNO Act). The HSNO Act establishes the legal framework for assessments by the national regulator, the Environmental Protection Authority (EPA). This Act sets minimum standards (section 36) and provides for the EPA to set additional conditions that are to apply to a particular GMO activity.

While the HSNO Act provides the means to set conditions on the management of GMOs within a specific geographic area or irrespective of location, councils have jurisdiction under sections 30 and 31 of the Resource Management Act 1991 (RMA) to control land and water use activities involving field trials and the release of GMOs, to promote sustainable management under the RMA.

Local regulation can address key gaps that have been identified in the national regulatory regime for the management of GMOs, in particular the absence of liability provisions and the lack of a mandatory precautionary approach. Benefits of local level regulation, in addition to the controls set by the EPA, include:

- Ensuring GM operators are financially accountable in the long-term through bonding and financial fitness provisions for the full costs associated with the GMO activity. This includes accidental or unintentional contamination, clean-up, monitoring and remediation.
- Adoption of a precautionary approach to manage potential risks (economic, environmental, social and cultural) associated with the outdoor use of GMOs.
- Protection of local/regional marketing advantages through reducing risks associated with market rejection and loss of income from GM contamination of non-GM crops, and negative effects on marketing, branding and tourism opportunities.
- Addressing cultural concerns of Maori, particularly given that Maori make up a considerably greater proportion of the population in Northland than is represented nationally.

Given a council’s general duties of care for its financial position and that of its constituents, there is a ready justification for councils to enforce mandatory conditions to provide for both financial accountability and avoidance of economic damage. These controls would act in addition to those that may be set by the EPA under the HSNO Act.

19.1 ISSUES

- 19.1.1 The outdoor use of GMOs can adversely affect the environment, economy, and social and cultural resources and values, and significant costs can result from the release of a GMO.

19.2 ENVIRONMENTAL OUTCOMES EXPECTED

- 19.2.1 Manage risk and avoid adverse effects on people, communities, tangata whenua, the economy and the environment associated with the outdoor use of GMOs.

- 19.2.2 Provide the framework for a unified approach to the management of the outdoor use of GMOs in the Far North to address cross-boundary effects.
- 19.2.3 Ensure accountability by GMO operators for the full costs related to the monitoring of GMO activities, and any migration of GMOs beyond specified areas, including unintentional GM contamination.
- 19.2.4 Ensure accountability by GMO operators for compensation via performance bonds in the event that the activity under their operation results in adverse effects to third parties or the environment.

19.3 OBJECTIVES

- 19.3.1 The environment, including people and communities and their social, economic and cultural well being and health and safety, is protected from potential adverse effects associated with the outdoor use, storage, cultivation, harvesting, processing or transportation of GMOs through the adoption of a precautionary approach, including adaptive responses, to manage uncertainty and lack of information.
- 19.3.2 The sustainable management of the natural and physical resources of the district with respect to the outdoor use of GMOs, a significant resource management issue identified by the community.

19.4 POLICIES

- 19.4.1 To adopt a precautionary approach by prohibiting the general release of a GMO, and by making outdoor field trialling of a GMO and the use of viable GM veterinary vaccines not supervised by a veterinarian^{294/1} a discretionary activity.
- 19.4.2 To ensure that a resource consent granted for the outdoor field trialling of a GMO is subject to conditions that ensures that the consent holder is financially accountable (to the extent possible) for any adverse effects associated with the activity, including clean-up costs and remediation, including via the use of bonds.
- 19.4.3 To ensure that a resource consent granted for the outdoor field trialling of a GMO is subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the environment, the mauri of flora and fauna, and the relationship of mana whenua with flora and fauna^{109/4} from the use, storage, cultivation, harvesting, processing or transportation of a GMO.
- 19.4.4 To ensure that a resource consent granted for the outdoor field trialling of a GMO is subject to a condition requiring that monitoring costs are met by the consent holder.
- 19.4.5 To require consent holders for a GMO activity to be liable (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.
- 19.4.6 To adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a GMO in the district through periodic reviews of these plan provisions, particularly if new information on the benefits and/or adverse effects of a GMO activity becomes available.

19.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

- 19.5.1 Rules in the Plan to control GMO ~~Field Trails~~ field trials^{159/2}, some GM veterinarian vaccines^{294/1} and to prohibit the release of GMOs in the Far North.
- 19.5.2 Where resource consents are required to undertake GMO activities protection of the environment, economy, society and cultural values may be achieved by imposing conditions of consent.

OTHER METHODS

- 19.5.3 The Council will liaise with other Councils in order to achieve an integrated approach to GMOs in Northland.
- 19.5.4 The Council will encourage all applicants to actively engage with the public and tangata whenua through early dialogue when developing land use proposals to ensure that adverse effects are avoided, remedied or mitigated.

COMMENTARY

The outdoor use of GMOs has the potential to cause adverse effects on the environment, economy and social and cultural wellbeing. The objectives and policies seek to protect the community and receiving environment from risk associated with any GMO activity.

The application of a precautionary approach to the outdoor use, storage, cultivation, harvesting, processing or transportation of GMOs in the district shall mean that:

- *The release of a GMO is prohibited (this is to avoid the risk that significant adverse environmental effects will arise, including adverse effects on the economy, community and/or tangata whenua resources and values); and*
- *Outdoor field trialling of a GMO (where the proponents of such activities have prior approval of the EPA) shall be a discretionary activity, as will certain uses of GM veterinary vaccines.^{294/1}*

Pastoral farming, dairying, horticulture and forestry are important land uses in the Far North and are major contributors to the local and regional economy. Therefore there are a range of outdoor GMOs that GMO developers could consider using in the district or region, including GM food crops, trees, animals, and pharma crops. The potential for adverse effects, including accidental contamination, resulting from the outdoor use of GMOs poses a “risk” to the community and environment. By specifying classes of GMOs and applying standards to the outdoor use of GMOs, the risks associated with their use, storage, cultivation, harvesting, processing or transportation can be reduced.

Within the Far North, this will involve managing and limiting the outdoor use of GMOs. Further, performance standards will be used to mitigate any adverse effects associated with contamination of GMOs beyond the subject site, thereby reducing the risks to the community, environment and economy.

Accidental or unintentional migration of GMOs that result in GMO contamination and subsequent clean-up and remediation can be expensive. Council therefore requires a GMO operator to meet all potential costs associated with the activity and will secure long-term financial accountability through appropriate standards and bonding provisions.

The EPA is not obligated to set monitoring requirements as a part of its approval process, and can only require monitoring where it is relevant to assessing environmental risk. Under section 35 of the RMA, a council has a duty to monitor, which can be expensive. Requiring a GMO operator to meet the costs of monitoring, via consent conditions, ensures the costs are met by the activity operator.

To avoid foreclosure of potential opportunities associated with a GMO development that could benefit the district or region, there is the ability to review a particular GMO activity if it were to become evident during the field trial stage or in light of other new information that a particular GMO activity would be of net benefit to the district or region and that potential risks can be managed to the satisfaction of Council. A council or a GMO proponent can initiate a plan change to change the status of a GMO activity.

19.6 RULES

Activities affected by this Section of the Plan must comply not only with the rules in this Section, but also with the relevant standards applying to the zone in which the activity is located (refer to **Part 2 - Environment Provisions**), and with other relevant standards in **Part 3 – District Wide Provisions**.

19.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

- (a) it complies with the standards for permitted activities set out in **Rules 19.6.1.1** below; and
- (b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in **Part 2 of the Plan - Environment Provisions**; and
- (c) it complies with the other relevant standards for permitted activities set out in **Part 3 of the Plan - District Wide Provisions**.

19.6.1.1 INDOOR USE AND RESEARCH INVOLVING GENETICALLY MODIFIED ORGANISMS

GMOs that are not specifically provided for in **19.6.2 Discretionary Activities** and **19.6.3 Prohibited Activities** below are a permitted activity. These include (but are not limited to):

- (a) Research within contained laboratories involving GMOs;
- (b) ~~Veterinary Vaccines using GMOs; and~~ The use of non-viable genetically modified veterinary vaccines and viable genetically **modified** veterinary vaccines with a specific delivery dose supervised by a veterinarian²⁹⁴; and

(c) Medical applications involving the manufacture and use of non-viable GM products.

Note: Such activities may require consents and / or permits under other legislation / plans.

19.6.2 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

- (a) it does not comply with one or more of the standards for permitted activities as set out under **Rule 19.6.1.1**; but
- (b) it complies with **all rules of 19.6.2.1 Genetically Modified Organisms Field Trials, 19.6.2.2 Bond Requirements and 19.6.2.3 Monitoring Costs** below; and
- (b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in **Part 2 of the Plan - Environment Provisions**; and
- (c) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in **Part 3 of the Plan - District Wide Provisions**.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under **Section 19.7-19.8**

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity unless it is a prohibited activity subject to **Section 19.6.3** below.

19.6.2.1 GENETICALLY MODIFIED ORGANISMS FIELD TRIALS

Outdoor field trialling of a GMO (where the proponents of such activities have prior approval of the EPA) shall be a discretionary activity.

Applications must provide:

- (a) Evidence of approval from the EPA for the specific GMO for which consent is sought.
- (b) Details of proposed containment measures for the commencement, duration and completion of the proposed activity.
- (c) Details of the species, its characteristics and lifecycle, to which the GMO activities will relate.
- (d) Research on adverse effects to the environment, **cultural values**^{PC131-284} and economy associated with the activity should GMOs escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects.
- (e) Evidence of research undertaken that characterises and tests the GMO, and the certainty associated with the accuracy of that information.
- (f) A management plan outlining ongoing research and how monitoring will be undertaken during, and potentially beyond, the duration of consent.
- (g) Details of areas in which the activity is to be confined.
- (h) Description of contingency and risk management plans and measures.

19.6.2.2 BOND REQUIREMENTS

Council requires the applicant for the resource consent to provide a performance bond (akin to a bank guarantee) in respect of the performance of any one or more conditions of the consent, including conditions relating to monitoring required of the GMO activity (prior to, during and after the activity), and that this be available for payment to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry of the consent.

The exact time and manner of implementing and discharging the bond shall be decided by, and be executed to the satisfaction of Council.

Matters that will be considered when determining the amount of the bond are:

- (a) What adverse effects could occur and the potential significance, scale and nature of those effects, notwithstanding any measures taken to avoid those effects.
- (b) The degree to which the operator of the activity has sought to avoid those adverse effects, and the certainty associated with whether the measures taken will avoid those effects.

- (c) The level of risk associated with any unexpected adverse effects from the activity.
- (d) The likely scale of costs associated with remediating any adverse effects that may occur.
- (e) The timescale over which effects are likely to occur or arise.
- (f) The extent of monitoring that may be required in order to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied.

19.6.2.3 MONITORING COSTS

A GMO discretionary activity may require monitoring during, and beyond the duration of consent. Monitoring is to be carried out by either the Council or consent holder with appropriate reporting procedures to the relevant regulatory authority.

A monitoring strategy for a GMO discretionary activity can include the following matters:

- (a) Inspection schedules for the site, storage areas and equipment (daily, weekly, monthly, events based).
- (b) Testing of procedures (e.g. accidental release response).
- (c) Training programmes for new staff, updates for existing staff.
- (d) Audits of sites and site management systems.
- (e) Sample testing of plants and soils in neighbouring properties for the presence of migrated GMOs.

19.6.2.4 VIABLE GENETICALLY MODIFIED VETERINARY VACCINES

The use of viable genetically modified veterinary vaccines not supervised by a veterinarian shall be a discretionary activity.²⁹⁴⁷¹

19.6.3 PROHIBITED ACTIVITIES

19.6.3.1 OUTDOOR RELEASE OF GENETICALLY MODIFIED ORGANISMS

Outdoor release of food-related and non-food-related Genetically Modified Organisms, not otherwise provided for in **Rules under 19.6.1** and **19.6.2 above** is a prohibited activity.

19.7 NOTIFICATION

All applications for resource consent **under rule 19.6.2** must be publicly notified.

19.8 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below.

- (a) Site design conditions should ensure GMO sites are designed and managed in a manner that avoids or minimises risks of adverse effects from activities carried out on the site. This shall include provisions to prevent the migration of GMOs beyond the area designated for the activity.
- (b) Ensure the transportation of GMOs is carried out in a manner that minimises the risk of adverse effects by preventing the escape of GMOs from the transporting vehicles. Appropriate procedures must be in place to ensure that any vehicle visiting the site is thoroughly cleaned and checked prior to leaving the site to avoid unintentional GMO transportation.
- (c) Reporting requirements by the consent holder will be stipulated in the consent conditions.
- (d) Where necessary, more stringent measures than those required under the provisions of the HSNO Act may be imposed to manage potential risks. A review clause (pursuant to Section 128 of the Act) may be included in any conditions, where deemed necessary, to address any future changes in technology, and the scope of environmental, economic and cultural effects.
- (e) The duration of any consent will be aligned with EPA approval terms.

3 DEFINITIONS

Note: Any words included under this section shall have the meaning as defined here throughout this Plan unless specifically stated otherwise in the text of the Plan. Where the definition of a word is identified as being from the Resource Management Act 1991 (or any other Act), these words have been included in a Glossary.

GENETICALLY MODIFIED ORGANISM FIELD TRIALS (TESTS)

In relation to a genetically modified organism (GMO), the carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.

GENETICALLY MODIFIED ORGANISMS (GMOs)

Unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:

- (a) have been modified by in vitro techniques; or
- (b) are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by in vitro techniques.

For the absence of doubt, this does not apply to genetically modified (GM) products that are not viable (and are thus no longer GMOs), or products that are dominantly non-GM but contain non-viable GM ingredients (such as processed foods).

GENETICALLY MODIFIED ORGANISM RELEASE

To allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987.

A release may be without conditions under s34 of the Hazardous Substances and New Organisms Act 1996, (HSNO) or subject to conditions under s38A of the HSNO Act.

VETERINARY VACCINE

A biological compound controlled by the Agricultural Compounds and Veterinary Medicines Act that is used to produce or artificially increase immunity to a particular disease and has been tested and approved as safe to use by a process similar to that conducted for approval and use of medical vaccines.

GENETICALLY MODIFIED VETERINARY VACCINE

A veterinary vaccine that is a genetically modified organism as defined in this Plan.

VIABLE GENETICALLY MODIFIED VETERINARY VACCINE

A genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

GMO.1

GENETICALLY MODIFIED ORGANISMS

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GMO.1.2 Eligibility Rules

1. Research within contained laboratories involving GMOs is a permitted activity.
2. Medical applications involving the manufacture and use of non-viable GM products are permitted activities.
3. Veterinary Vaccines using GMOs The use of non-viable genetically modified veterinary vaccines and viable genetically modified veterinary vaccines with a specific delivery dose supervised by a veterinarian are permitted activities.
4. The use of viable genetically modified veterinary vaccines not supervised by a veterinarian are discretionary activities.
5. Other GMO activities not requiring consent as a discretionary activity or listed as a prohibited activity are permitted activities.
6. Field Trials of GMOs (where the proponents of such activities have prior approval of the EPA) are discretionary activities.
7. Food-related and non food-related GMO Releases are prohibited activities.

Note: permitted activities may require consents and / or permits under other legislation / plans.

GMO.1.3 Notification

All applications for resource consent must be publicly notified.

GMO.1.1 Description & Expectations

The purpose of this chapter is to manage the outdoor use of Genetically Modified Organisms (GMOs). The outdoor use of GMOs can have adverse effects on people, communities, tangata whenua, social and cultural wellbeing, the environment and the economy.

Sources of risk from the outdoor use of GMOs include:

- Socio-cultural risk - concerns of Maori, such as mauri, whakapapa, tikanga, including the integrity of nature, the mixing of genes from unrelated species, and effects on indigenous flora and fauna.
- Environmental risk - including adverse effects on non-target species (e.g. birds and insects), genetically modified (GM) plants becoming invasive and disrupting ecosystems, and altered genes transferring to other organisms.
- Economic risk - the risk that cultivation of GM crops will cause economic damage, in particular through accidental or unintentional migrations of GMOs resulting in GM contamination appearing in non-GM crops and associated market rejection and loss of income, negative effects on marketing and branding opportunities, and costs associated with environmental damage.

There is a lack of information, including scientific uncertainty, concerning the effects of GMOs in the environment and risks of irreversible, adverse effects which could be substantial. In order to manage the effects of outdoor use, storage, cultivation, harvesting, processing or transportation of GMOs, an adaptive precautionary approach to risk management is adopted for the Whangarei District.

The application of a precautionary approach shall mean that the Release of a GMO is prohibited and that Field Trials of a GMO (where the proponents of such activities have prior approval from the Environmental Protection Authority (EPA)) shall be a discretionary activity so as to avoid the risks of potential adverse effects. Some activities, such as research within contained facilities, some veterinary vaccines and certain medical applications are permitted activities. The classification is based upon a hierarchy of risks, from negligible for permitted activities to high risk for prohibited activities. Discretionary activities (Field Trials) are subject to development and performance standards, including a requisite for bonds to cover possible environmental or economic damage and monitoring requirements.

The application of an adaptive risk management approach is to avoid foreclosure of potential opportunities associated with a GMO development that could benefit the district. There is the ability to review a particular GMO activity if it were to become evident during the field trial stage, or in light of other new information, that the particular GMO activity would be of net benefit to the district and that potential risks can be managed to the satisfaction of Council. Council or a GMO developer can initiate a plan change to change the status of an activity.

It is anticipated that the objectives, policies, eligibility rules and general development and performance standards in this chapter will achieve the following results:

1. Adoption of a precautionary approach to manage potential risks (social, cultural, environmental and economic) associated with the outdoor use of GMOs.
2. Ensuring users of GMOs are financially accountable in the long-term through bonding and financial fitness provisions for the full costs associated with the GMO activity. This includes accidental or unintentional contamination, clean-up, monitoring and remediation.
3. Protection of local/regional marketing advantages through reducing risks of adverse effects associated with market rejection and loss of income from GM contamination of non-GM crops, and negative effects on marketing, branding and tourism opportunities.
4. Addressing cultural concerns of Maori, particularly given that Maori make up a considerably greater proportion of the population in Northland than is represented nationally.

GMO.2

GMO Land Use Controls

GMO.2.1 Objectives

1. The environment, including people and communities and their social, economic and cultural well being and health and safety, is protected from potential adverse effects associated with the outdoor use, storage, cultivation, harvesting, processing or transportation of GMOs through the adoption of a precautionary approach, including adaptive responses, to manage uncertainty and lack of information.
2. The sustainable management of the natural and physical resources of the district with respect to the outdoor use of GMOs, a significant resource management issue identified by the community.

GMO.2.3 Information Requirements

Applications for GMO Field Trials are to provide:

- Evidence of approval from the EPA for the specific GMO for which consent is sought. The duration of any consent granted will be aligned with EPA approval terms.
- Details of proposed containment measures for the commencement, duration and completion of the proposed activity.
- Details of the species, its characteristics and lifecycle, to which the GMO activities will relate.
- Research on adverse effects to the environment, cultural values and economy associated with the activity should GMOs escape from the activity area, and measures that will be taken to avoid, remedy or mitigate such effects.
- Evidence of research undertaken that characterises and tests the GMO, and the certainty associated with the accuracy of that information.
- A management plan outlining on-going research and how monitoring will be undertaken during, and potentially beyond, the duration of consent.
- Details of areas in which the activity is to be confined.
- Description of contingency and risk management plans and measures.

GMO.2.2 Policies

1. Precautionary Principle

To adopt a precautionary approach by prohibiting Release of a GMO, and by making Field Trials of a GMO and the use of viable GM veterinarian vaccines not supervised by a veterinarian a discretionary activity.

2. Financial Accountability

To ensure that a resource consent granted for the Field Trials of a GMO is subject to conditions that ensures that the consent holder is financially accountable (to the extent possible) for any adverse effects associated with the activity, including clean-up costs and remediation, including via the use of bonds.

3. Risk Avoidance

To ensure that a resource consent granted for the Field Trials of a GMO is subject to conditions that serve to avoid, as far as can reasonably be achieved, risk to the environment, the mauri of flora and fauna, and the relationship of mana whenua with flora and fauna from the use, storage, cultivation, harvesting, processing or transportation of a GMO.

4. Monitoring Costs

To ensure that a resource consent granted for the Field Trials of a GMO is subject to a condition requiring that monitoring costs are met by the consent holder.

5. Liability

To require consent holders for a GMO activity to be liable (to the extent possible) for any adverse effects caused beyond the site for which consent has been granted for the activity.

6. Adaptive Approach

To adopt an adaptive approach to the management of the outdoor use, storage, cultivation, harvesting, processing or transportation of a GMO in the district through periodic reviews of these plan provisions, particularly if new information on the benefits and/or adverse effects of a GMO activity becomes available.

GMO.2

GMO Land Use Controls

GMO.2.4 General Development & Performance Standards

Without limiting the discretion reserved to Council on any application for consent, discretionary activities are to comply with the following minimum controls in order to establish in the district. The general development and performance standards are in addition to any controls/conditions that are imposed and monitored by the EPA under the Hazardous Substances and New Organisms (HSNO) Act.

1. Bond

Council requires the applicant for the resource consent to provide a performance bond, with an approved trading bank guarantee, in respect of the performance of any one or more conditions of the consent, including conditions relating to monitoring required of the GMO activity (prior to, during and after the activity). This bond is to be available for payment to redress any adverse environmental effects and any other adverse effects to third parties (including economic effects) that become apparent during or after the expiry of the consent. The form of, time and manner of implementing and discharging the bond shall be decided by, and be executed to the satisfaction of Council.

2. Monitoring Costs

All costs associated with monitoring required for discretionary activities will be borne by the consent holder. This includes any monitoring that is required to be undertaken beyond the consent duration, as required by a resource consent condition.

3. Assessment of Applications and Conditions

Where necessary, more stringent measures than those required under the provisions of the HSNO Act may be imposed to manage potential risks. A review clause (pursuant to Section 128 RMA) may be included in the conditions, where deemed necessary, to address any future changes in technology, and the scope of environmental, economic and cultural effects. An application for a discretionary activity may be granted with or without conditions, or be declined by the Council having regard to the relevance of the following matters:

• Site Design, Construction and Management

Site design conditions should ensure GMO sites are designed and managed in a manner that avoids or minimises risks of adverse effects from activities carried out on the site. This shall include provisions to prevent the migration of GMOs beyond the area designated for the activity.

• Transport

Ensure the transportation of GMOs is carried out in a manner that minimises the risk of adverse effects by preventing the escape of GMOs from the transporting vehicles. Appropriate procedures must be in place to ensure that any vehicle visiting the site is thoroughly cleaned and checked prior to leaving the site to avoid unintentional GMO distribution.

• Monitoring

A GMO discretionary activity may require monitoring during, and beyond the duration of consent. Monitoring is to be carried out by either the Council or consent holder with appropriate reporting procedures to the relevant regulatory authority.

• Reporting

Reporting requirements by the consent holder will be stipulated in the consent conditions.

GMO.2.5 Particular Matters

Matters that will be considered when determining the amount of bond required are:

- What adverse effects could occur and the potential significance, scale and nature of those effects, notwithstanding any measures taken to avoid those effects.
- The degree to which the operator of the activity has sought to avoid those adverse effects, and the certainty associated with whether the measures taken will avoid those effects.
- The level of risk associated with any unexpected adverse effects from the activity.
- The likely scale of costs associated with remediating any adverse effects that may occur.
- The timescale over which effects are likely to occur or arise.
- The extent of monitoring that may be required in order to establish whether an adverse effect has occurred or whether any adverse effect has been appropriately remedied.

A monitoring strategy for a GMO discretionary activity can include the following matters:

- Inspection schedules for the site, storage areas and equipment (daily, weekly, monthly, events based).
- Testing of procedures (e.g. accidental release response).
- Training programmes for new staff, updates for existing staff.
- Audits of sites and site management systems.
- Sample testing of plants, soils and water in neighbouring properties or localities for the presence of migrated GMOs.



Definitions

The following definitions shall be inserted into the District Plan in Chapter 4. Meaning of Words -

Field Trials (tests) ** - means, in relation to a genetically modified organism, the carrying on of outdoor trials, on the effects of the organism under conditions similar to those of the environment into which the organism is likely to be released, but from which the organism, or any heritable material arising from it, could be retrieved or destroyed at the end of the trials.

Genetically Modified Organism and GMO** - means, unless expressly provided otherwise by regulations, any organism in which any of the genes or other genetic material:

(a) have been modified by *in vitro* techniques; or

(b) are inherited or otherwise derived, through any number of replications, from any genes or other genetic material which has been modified by *in vitro* techniques.

N.B. For the absence of doubt, this does not apply to GM products that are not viable (and are thus no longer GM organisms), or products that are dominantly non-GM but contain non-viable GM ingredients (such as processed foods).

Release** - means to allow the organism to move within New Zealand free of any restrictions other than those imposed in accordance with the Biosecurity Act 1993 or the Conservation Act 1987.

A Release may be without conditions (s34, HSNO Act) or subject to conditions set out s38A of the HSNO Act.

Environmental Protection Authority and EPA* - means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011.

Hazardous Substances and New Organisms Act and HSNO - means the Hazardous Substances and New Organisms Act 1996.

Veterinary Vaccine: means a biological compound controlled by the Agricultural Compounds and Veterinary Medicines Act that is used to produce or artificially increase immunity to a particular disease and has been tested and approved as safe to use by a process similar to that conducted for approval and use of medical vaccines.

Genetically Modified Veterinary Vaccine: means a veterinary vaccine that is a genetically modified organism as defined in this Plan.

Viable Genetically Modified Veterinary Vaccine: means a genetically modified veterinary vaccine that could survive or replicate in the environment or be transmitted from the inoculated recipient.

* Definition taken from the Resource Management Act 1991

**Definition taken from the Hazardous Substances and New Organisms Act 1996

**MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016**

Name of item: FREEDOM CAMPING BYLAW UPDATE

Author: Neil Miller - Team Leader Policy and Research

Date of report: 22 July 2016

Document number: A1754105

Executive Summary

The purpose of the report is to update the Committee on the issues related to the Freedom Camping Act 2011 and the Council's regulation of camping.

Recommendation

THAT the Regulatory and Environment Committee makes the following recommendation to Council:

THAT the Freedom Camping Bylaw be proposed as part of a set of interrelated bylaw changes.

1) Background

Council adopted the Freedom Camping Policy on 25 August 2011. Council reviewed the Policy on 05 June 2015 and determined to review the Schedule of approved freedom camping locations. That review was completed under the Special Consultative Procedure. On 19 November 2015, Council adopted an updated Schedule of sites identified for self-contained freedom camping.

Camping is generally prohibited under the Reserves Act 1977 section 44(1) which prohibits the use of a reserve, any building, vehicle, boat, caravan, tent, or structure situate thereon, for purposes of permanent or temporary personal accommodation. An exception is required to allow camping on a Council reserve. Council's Freedom Camping Policy was made pursuant to section 1702.2 of the Reserves Bylaw: "The Council may by resolution publicly notify, specify and identify, by way of appropriate signs, reserves where a complying camping vehicle may be used for camping, subject to compliance with conditions." However, the adopted Policy was not publically notified and is not fully consistent with the Control of Public Places Bylaw.

Council's Freedom Camping Policy provides for limited enforcement and no infringement fines. A potential benefit of a Freedom Camping Bylaw is that \$200 infringement fines can be levied for breaches. However, other councils have had difficulties in enforcing payment, particularly by international visitors.

On 11 February 2016 Council resolved that a new Bylaw be made under the Freedom Camping Act 2011 as the preferred option for freedom camping provision in the Far North District; and that Council staff develop a project plan, including a timeline and site assessment criteria, to implement the option endorsed by Council; and that Council staff provide regular reports to the Infrastructure Committee on progress against the project plan. This report provides such an update.

2) Discussion and options

Freedom Camping Bylaw

Under the Freedom Camping Act 2011 Act, freedom camping is considered to be a permitted activity everywhere in a local authority (or DOC) area, except at those sites where it is specifically prohibited or restricted. This reverses the approach of designating places where camping is allowed, and generally prohibiting it everywhere else. The Act allows Council to adopt a bylaw to restrict or prohibit camping only on local authority owned or managed land and only for one or more of the following purposes:

- (i) to protect the area
- (ii) to protect the health and safety of people who may visit the area
- (iii) to protect access to the area.

It is likely that only a relatively small part of the district could meet these criteria. Additionally, in remote areas of the district there is a problem of enforceability. The current focus of staff has been to develop a complete map of Council owned or Council managed land, which has required more work than anticipated. To determine exactly which areas require further restriction will require some site visits.

Camping overnight in a vehicle on a road reserve is allowable to avoid fatigue. A driver resting is encouraged by New Zealand Transport Agency. It is recommended that driving between midnight and 6am be kept to a minimum because this is the body's natural time for sleep. Visitors to the Far North may have travelled some distance and may have to stop due to fatigue or wait to purchase fuel. In the Freedom Camping Act, freedom camping does not include temporary and short-term parking of a motor vehicle, recreational activities commonly known as day-trip excursions, or resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue. In practice restrictions in some areas may be for stays beyond a 24 hour period.

District Facilities, legal services and strategic planning staff established a Freedom Camping Working Group which has met monthly since March 2016. The Working Group has reviewed the Freedom Camping Policy and related bylaws. For a co-ordinated regulatory response a Freedom Camping Bylaw could form part of a set of interrelated bylaw changes as below:

Problem	Response	Action
Littering	Infringement fines under Litter Act	Review Litter Policy
Camping on Council Reserves	Reserves Bylaw Freedom Camping Bylaw Freedom Camping Policy	Review Bylaw Propose Bylaw Review Policy
Camping in Public Places	Control of Public Places Bylaw Traffic and Parking Control Bylaw	Review Bylaw Review Bylaw

Bylaw proposals and changes usually require a Special Consultative Procedure. By revising the suite of related bylaws at the same time as proposing the new Freedom Camping Bylaw, this consultation could be concurrent.

Other Councils' Responses

- Government has announced a review of the bylaw and freedom camping regimes. It is in the process of creating a working group. Council has expressed an interest in participating in response to a request from the Department of Internal affairs - see attachment 1. Council may wish to see what legislative changes are being considered before proposing a new Freedom Camping Bylaw. The lack of infringement fines under the Reserves Act is an additional option that could be considered by Government.
- This proposed Government working group is in part a response to the July 2016 LGNZ Conference where South Island Councils put forward a remit: *That the Government be asked to establish a working party with LGNZ and representatives of the tourism industry to review that Freedom of Camping Act 2011 in order to develop a consistent approach across land administered by DOC and Councils to ensure an excellent visitor experience and the protection of New Zealand environment.* The LGNZ remit received 96 per cent of votes in favour.
- Councils further asked that the Freedom Camping Act 2011 be amended to allow any infringement fine to be tagged to the vehicle used to cause the offence, forcing rental companies and vehicle owners to collect fines on behalf of enforcement authorities, and to allow fines to be instantaneous.
- Whangarei District Council recently adopted a Freedom Camping Bylaw under the Freedom Camping Act 2011. The community feedback has been that the restrictions to self-contained only vehicles may have been a disproportionate response. As a result, the Council may consult further on relaxing some of those provisions.
- Other Councils have successfully enforced restrictions, such as the Thames-Coromandel District Council and several South Island Councils. In some instances, there has been an over concentration of freedom campers into fewer areas with a lack of suitable facilities to meet high demand.
- Districts such as South Taranaki and Thames-Coromandel have a coastal ring road with most of the visitor traffic which makes enforcement practicable.
- South Taranaki District Council has developed a methodology for site assessment that is readily applicable to the Far North. South Taranaki Council officers and contractors suggested that to be practicable the number of site assessments should be manageable (under 100 sites).

Economic Impact of Freedom Camping

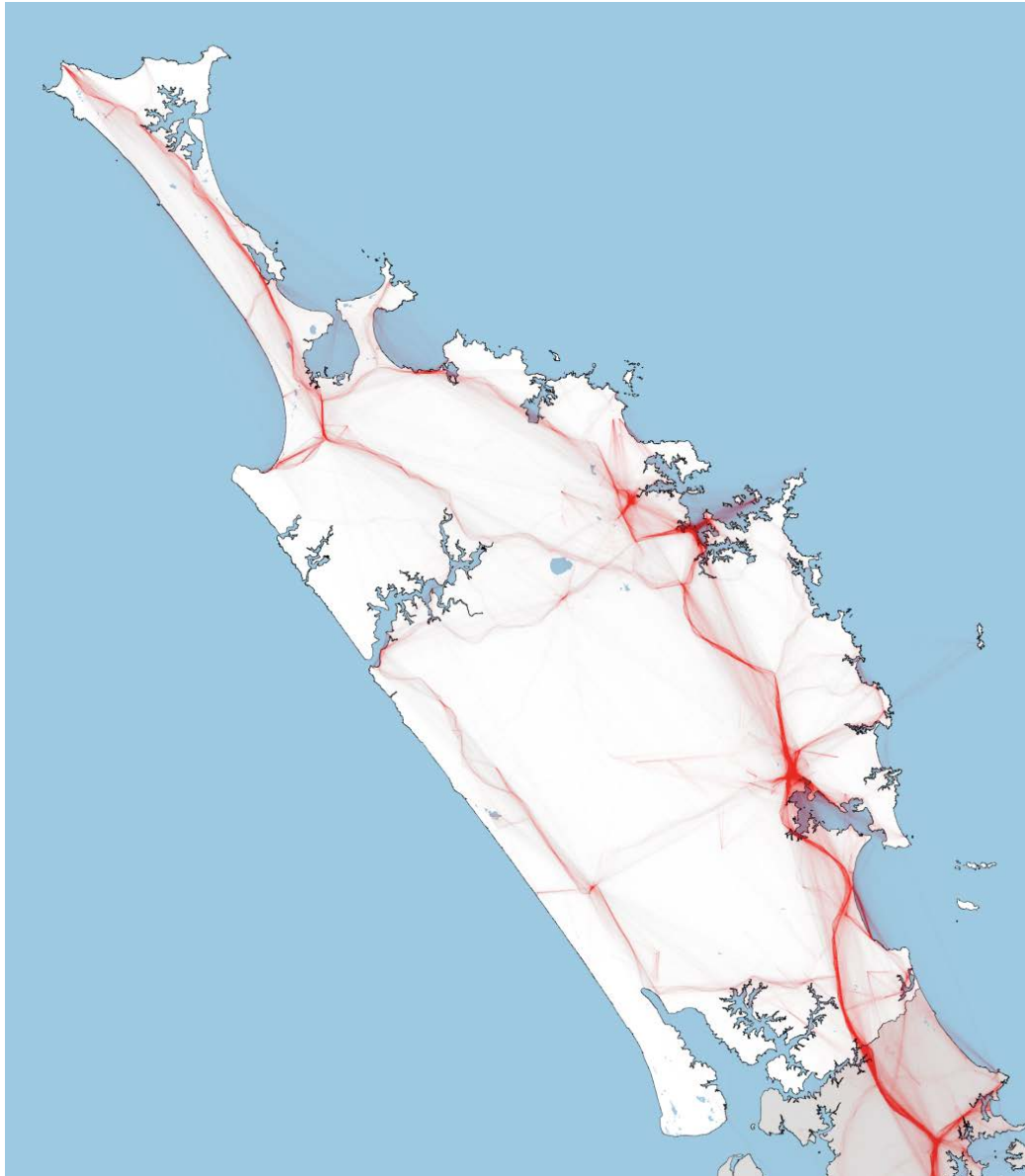
Research has been undertaken looking at the issues across New Zealand in general and the Far North in particular - see attachment 2. The main findings are:

- Most campers in vehicles of all kinds will, for the majority of their stay, park in approved sites and pay for the use of facilities.
- Domestic travelers renting a caravan are less likely than international travelers to stay at paid locations, 75% as against 89%.
- International visitors that chose freedom camping as their main accommodation are a small portion of total visitors at only 0.4% in 2015.
- The number of international freedom camping visitors peaked in 2011 (linked to the Rugby World Cup).
- Almost half of international freedom camping visitors are under 30. The largest group are Australian followed by European.
- On average, freedom campers stay longer in New Zealand than other international visitors.
- In 2016, MBIE estimated freedom campers were spending \$4,880 per visit to NZ, double the average for other international visitors.

- Freedom camping and caravanning is a traditional activity for many residents.
- The majority of freedom campers are New Zealanders aged 50 to 60 who are more likely to own their own vehicle or rent a high-end self contained vehicle.
- Members of the New Zealand Motor Caravan Association represent 80% of private owners.
- On 10 - 13 April 2009, the NZMCA held its annual national rally in Kaikohe and collated expenditure figures from members. NZMCA estimated that on average each of the 642 registered attendees spent \$1,050 in the district.
- According to a 2011 survey, NZMCA members spent an average of 75 days traveling per year.
- NZMCA members alternate between DOC sites, NZMCA sites, commercial campsites and freedom camping spots.
- Commercial campsites are likely to be benefiting more from freedom camping, than they are losing due to people opting to park up for free.
- There is not an evident conflict with commercial interests in general nor with campsites in particular due to visitors choosing to freedom camp.

Freedom Camping Routes

Campermate and other similar NZ travel apps are operated by GeoZone who track by GPS the main routes people travel. The map below shows the routes taken by approximately 10,000 independent campers travelling through the region this past summer. The main route in the Far North is along SH1 then onto SH12 to the Bay of Islands, with a significant proportion continuing to Cape Reinga.



The focus of Freedom Camping regulation could be on the busiest routes to and from the Bay of Islands and Cape Reinga rather than the less frequently visited parts of the District. Further restrictions could be introduced in the future if necessary.

Council Facilities Management

Council has received only a small number of Requests for Service related to freedom camping. For the period January to July 2016, there were 5 complaints received. For the calendar year 2015, there were only 9 complaints received.

The issue of human waste can, in part, be addressed by making sure adequate facilities are available, particularly along the main highways in and in the Bay of Islands area. The Litter Act 1979 allows for infringement fines up to \$400.

Officers advise that the cost of closing toilets at night is likely to be higher than the potential costs of leaving them open. There is not evidence of an increase in vandalism associated to freedom campers. Vandalism will be monitored on a case by case basis, but the default is to make the facilities available to visitors unless problems arise that are not manageable.

Regional Mid-Sized Tourism Facilities Grant

In Budget 2016, the government announced a new Regional Mid-Sized Tourism Facilities Grant to help communities cope with the growing number of independent travellers such as freedom campers. \$12 million has been allocated over 4 years to co-fund necessary new (not existing) infrastructure projects. Grants will be for enhanced facilities for completion within 6 months and be allocated in amounts over \$100,000. This new fund is not yet open.

There is no clear evidence of an under-supply of necessary facilities in the Far North District at present, nor is there evidence of a significant growth in visitor numbers into the district. Further work would be required to support a project bid to the fund. Mapping of facilities and camping locations is being completed – see attachment 3. The summer period provides an opportunity to research where there may be an unmet need and to gather the information required to support any application for Government funds.

Objectionable Signs on Vehicles

There has been public concern about inappropriate signs on some camper vans, which are not prohibited under current Council regulations. A complaint can be made about a specific sign to the Chief Censor who may determine that it is an objectionable publication under the Films, Videos and Publications Act 1983. This is an effective enforcement mechanism for objectionable signs on camper vans. This classification means that it is illegal for anyone to supply, own, or possess the vans. The maximum penalty for possessing a banned publication is imprisonment up to 10 years or fine up to \$50,000 for an individual, or a fine up to \$100,000 for an organisation. The maximum penalty for supplying or distributing a banned publication is imprisonment up to 14 years for an individual and a fine of up to \$200,000 for an organisation. To date in 2016, five 'Wicked' campervans have been classified as Objectionable (banned) and four have been classified as Unrestricted.

In summary, the Council has not as yet fully assessed Council owned and managed, or owned sites, for the purposes of proposing a Freedom Camping Bylaw. Any such Bylaw would not be the only tool for managing camping in the District. Restrictions on camping apply across several existing bylaws and policies which are best reviewed simultaneously. The evidence of economic benefits has to be considered, as does evidence of any problems associated with freedom camping. The evidence is that most freedom campers spend significant amounts of money in the local economy, including at camping grounds. Most problems are either isolated incidents or due to overcrowding in a small number of locations over the peak summer season. The majority of freedom campers follow a route up to the Bay of Islands and Cape Reinga. Restrictions are most likely to be effective in these areas. Government is reviewing the provisions of the Freedom Camping Act, has acted to censor the most objectionable signs, and will provide limited funds for tourism related infrastructure.

3) Financial implications and budgetary provision

The Special Consultative Procedure is budgeted for in the 2016-17 year.

4) Reason for the recommendation

The purpose of this report is to update the Infrastructure Committee about work to address freedom camping issues.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: DIA - CEO Letter Freedom Camping- Document number A1754112

Attachment 2: Freedom Camping Demographics - Document number A1754110

Attachment 3: Camping and Caravanning Facilities - Document number A1754191

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Links to the Freedom Camping Policy and bylaws.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	Can be considered as a criterion for prohibition or restriction of a site or location.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Will require a Statutory Consultative Procedure.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Yes, the matter may have a significant impact upon residents close to a particular site.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	The matter is of District-wide relevance.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	None currently identified. The Chief Financial Officer not has reviewed this report.

18 July 2016

Colin Dale
Acting Chief Executive
Far North District Council
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Kaikohe 0440

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Wellington 6140, New Zealand
Phone +64 4 495 7200
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Dear Colin Dale

Invitation to work with Internal Affairs on a review of the bylaw and freedom camping regimes

The Minister of Local Government has requested a review of bylaw making, maintenance and administration. I am writing to request your council's participation in this review. Good local regulation reflects the diversity in our community's needs and preferences. The two levels of government can both serve our communities by playing our respective parts to ensure the bylaw regimes operate well.

The review will identify opportunities to improve of bylaws and bylaw making. The review also offers the opportunity to explore together how to ensure councils are best placed to enforce the bylaws they make. For example, whether we can and should extend the availability of infringement schemes to a wider range of bylaw offences. Infringements have been proposed as a way to address window washers at intersections, begging in public places and abandoned shopping trolleys.

I expect that the review will be completed in December this year. Initially the review will look at the issues associated with the freedom camping regime. Over the 2015/16 summer period, it became clear that some local authorities were still experiencing high levels of unacceptable freedom camping behaviour. Additionally councils that were reliant on the infringement regime to encourage compliance were struggling to recover fees issued to overseas tourists.

The Minister is inviting information and ideas from your council on how we can make changes to the freedom camping regulatory regime to minimise the harmful impacts of this activity, improve the recovery rate of infringement fees, while also improving the experience of tourists coming to New Zealand. The recent budget announcement for an additional 12 million dollars of funding to support visitor-related facilities such as restrooms, carparks or minor water management projects, will also support councils to address freedom camping (see <http://www.mbie.govt.nz/> - Regional Mid-Sized Tourism Facilities Fund).

In addition to providing specific information about freedom camping, I wish to take this opportunity to invite your council to participate on the working group for the wider bylaw review. The working group will comprise of central government and local government officials undertaking analysis to identify opportunities for improvement across all bylaw making regimes.

Please send your information and expressions of interest to Nick Law, Senior Policy Analyst at nick.law@dia.govt.nz by 27 July 2016.

This is an important review and it is good opportunity for councils and Internal Affairs to work together to improve the regulatory system for councils and communities.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin MacDonald', written in a cursive style.

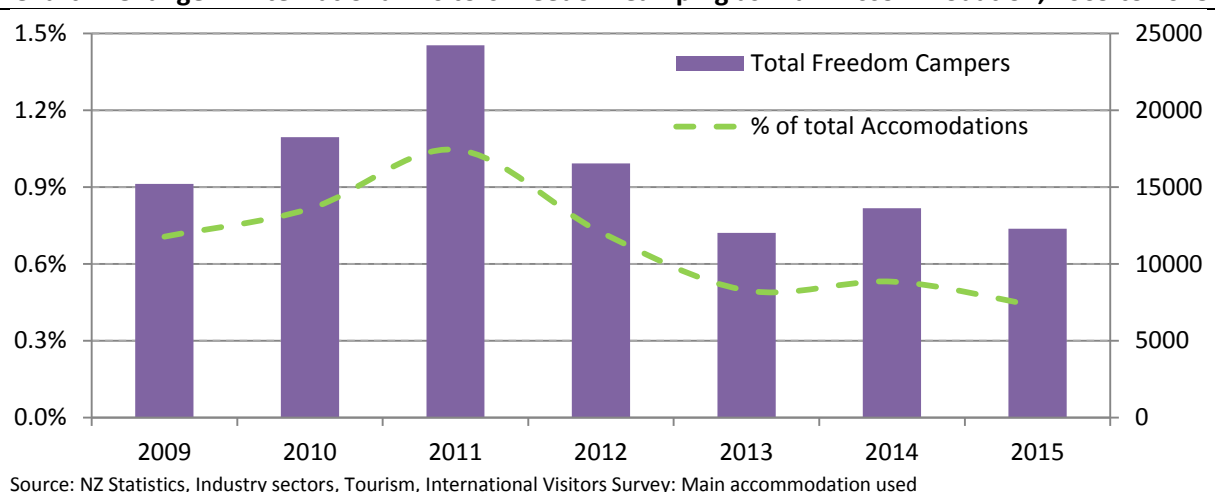
Colin MacDonald
Secretary for Local Government
Department of Internal Affairs

FREEDOM CAMPER DEMOGRAPHICS AND TRENDS

International Visitors Survey Results

This section has two main goals. The first is to establish the trends of freedom camping in New Zealand. The second is to establish a description of freedom campers. For this section of the report, those who responded as using freedom camping as their 'Main Accommodation' are observed¹. To create more accuracy from the survey data, when displaying sub-categories of freedom campers (ex. age and origin) estimates from the 5 year period of 2011 to 2015 were aggregated.

Chart 1. Change in International Visitors Freedom Camping as Main Accommodation, 2009 to 2015

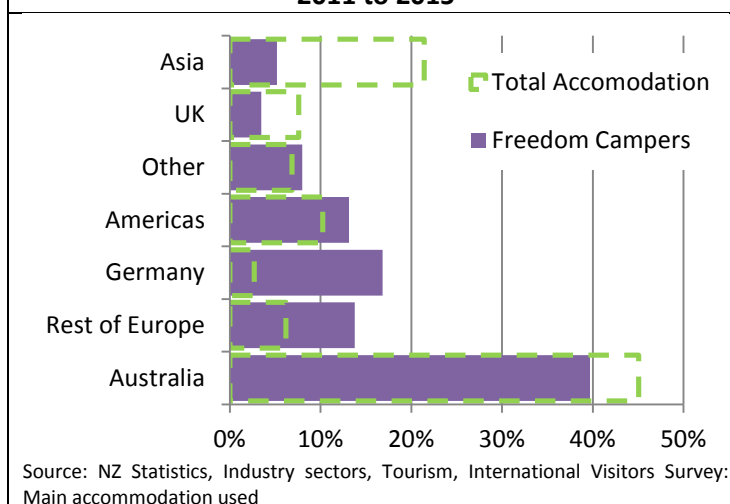


Generally, visitors that chose freedom camping as their main form of accommodation are a small portion of the total international visitor population. According to the 2015 International Visitor Survey, of the 2,818,896 visitors in 2015 only 12,282 are estimated to have used freedom camping as their main accommodation. In total numbers, this is the second lowest year since 2009² and only half the peak in 2011 at 24,226³. As percentage of total visitors, 2015 was the lowest year since 2009 at 0.4%.

The Chart indicates, while total international visitors are increasing, freedom camping is largely stagnating.

The largest group for international visitors and freedom camping are from Australia. Though Australians composed 45% of visitors from 2011

Chart 2. International Visitors Freedom Camping as Main Accommodation by Country of Origin, Aggregation of 2011 to 2015

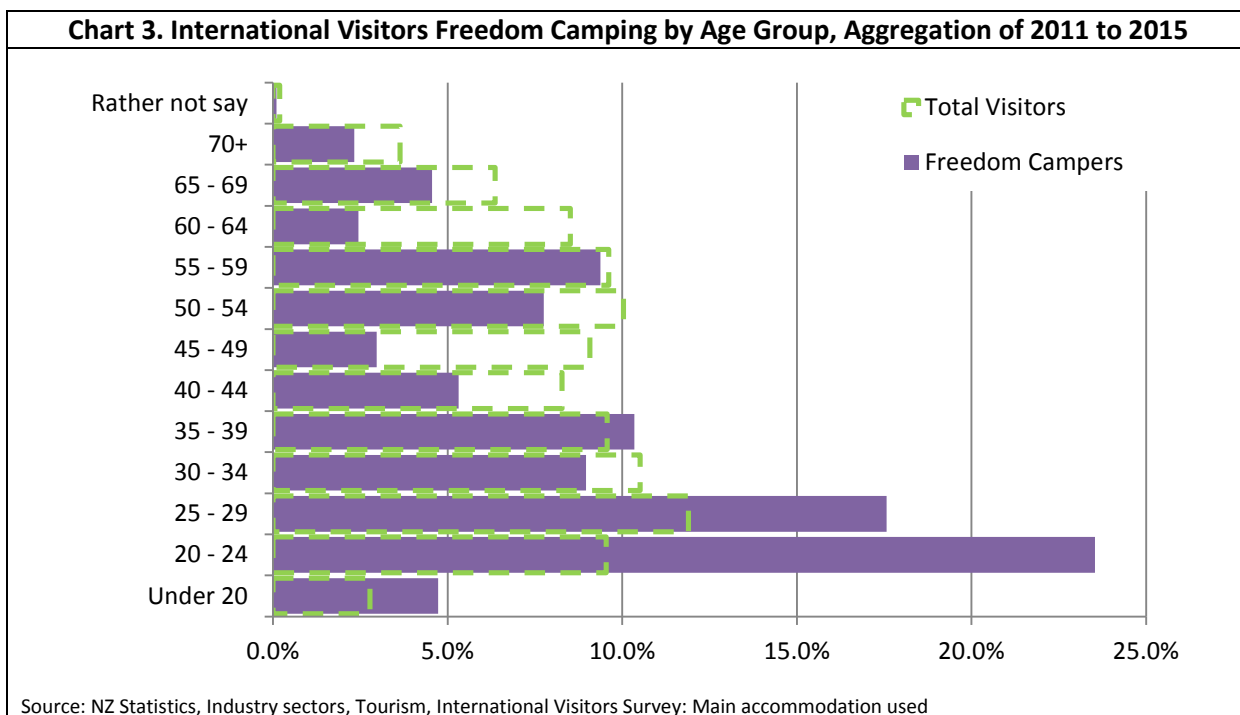


¹ <http://www.stats.govt.nz/> does not host data showing the total number of international visitors that freedom camped, but not as their main accommodation.

² 2013 has the lowest estimate of 12,023.

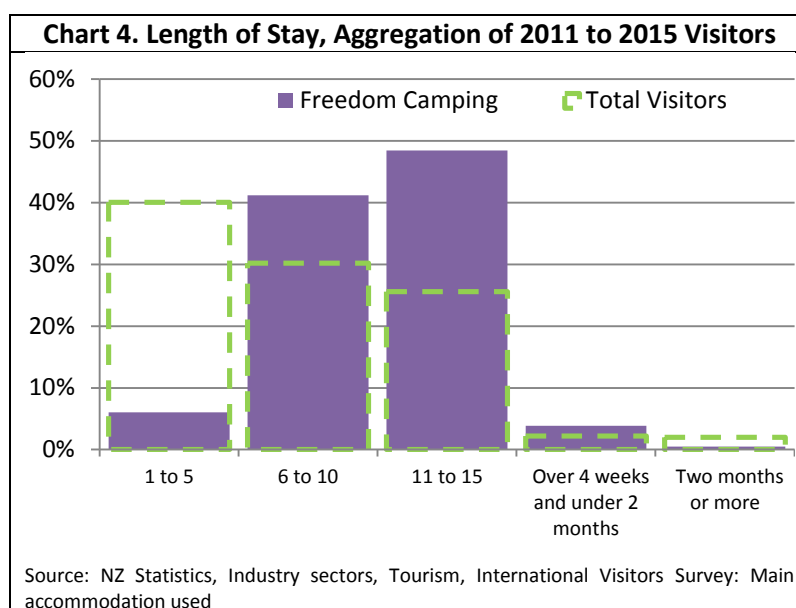
³ The Ruby World Cup was a large influence on the spike in freedom camping in 2011, making it unrepresentative of a normal year freedom camping in New Zealand.

to 2015, they were only 40% of freedom campers. The most under represented group for freedom camping were visitors from Asia, composing 21% of total visitors but only 5% of freedom campers. Visitors from Germany were the most overrepresented, composing 17% of Freedom Campers, and only 3% of total visitors. Similarly, people from other parts of Europe and the Americas are also more represented in the freedom camping group.



Freedom Campers are predominately aged 29 and under, comprising 45.8% of freedom campers and only 24.2% of total visitors during the 5 year period. There is a dip in freedom campers aged 40 to 49, 17.4% of total visitors but only 8.3% of freedom campers. Freedom camping increases in the age group 50 to 59 age group, who are 19.6% of visitors and 17.2% of freedom campers.

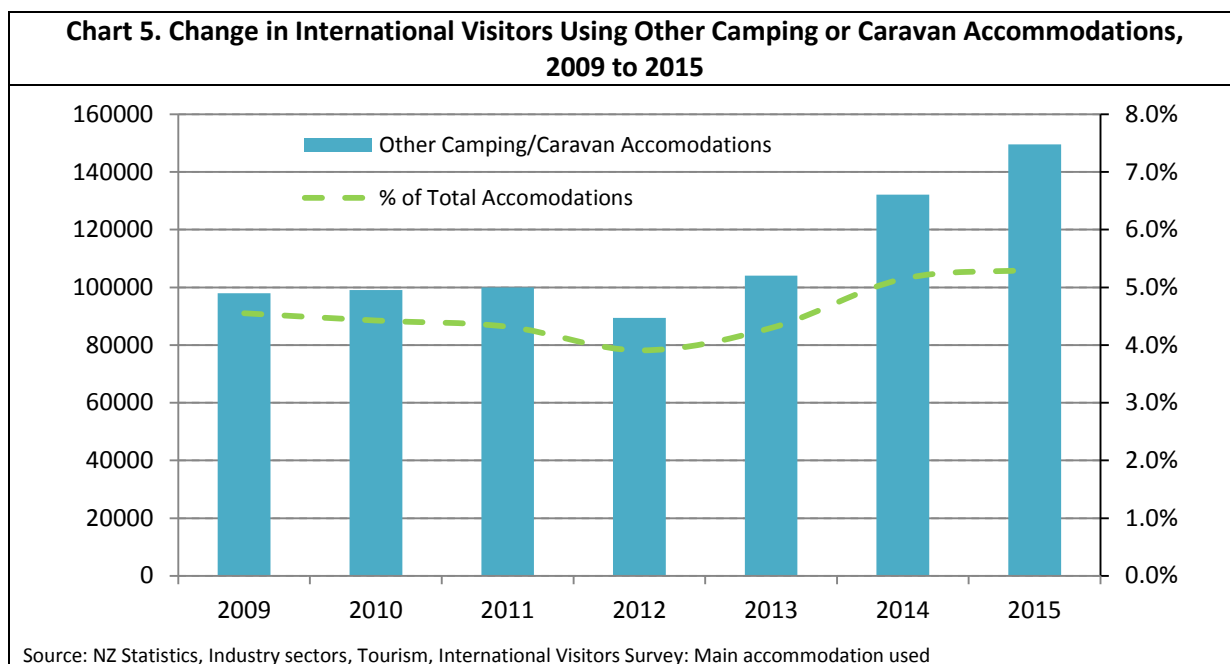
On average, freedom campers stay longer in New Zealand than other visitors. While 40.1% of total visitors stay for 1 to 5 days, only 6% of freedom campers stay for the same amount of time. 89.6% of freedom campers stayed between 6 and 15 days, only 55.8% of total visitors stayed for the same length of time.



Interpretation of Trends

Despite the apparent stagnation in freedom camping as a choice of main accommodation for international visitors, there are multiple explanations as to why the trend may be appearing to grow.

First, other forms of camping and caravanning are increasing. Aggregating other potential forms of paid and/or sanctioned camping and caravanning⁴ as a main accommodation type, 2014 and 2015 were consecutive record years for both (in total numbers and as a percentage of visitors). This included 149,559 visitors (5.3% of total) in 2015.



Of those using other forms of camping and caravanning, a portion (by choice or forced conditions) may end up freedom camping for a part of their visit. This corresponds with the recent estimates by MBIE that in addition to the 12,000 who freedom camped as a main accommodation, an additional 48,000 (1.7% of total) international visitors freedom camped for part of their stay in 2015. (Cropp, 2016) Research conducted by Covec in 2012, showed international visitors renting motor caravans spent the large majority (89%) of their nights in paid locations (Coker, 2012).

In short, residents may believe that most of caravan or campers observed traveling are freedom camping a majority of the time. In reality, it is more likely that most are predominately staying on sanctioned camp sites, holiday parks, or other paid locations⁵ a majority (if not the entirety) of their visit.

A second reason is the highly season nature of visitors to New Zealand. Though recent years have been consecutive record breakers for the country, New Zealand is still only ranked 60th

⁴ Other Camping and Caravan Accommodations from the IVS includes: Another place where you pay to park a caravan or campervan / motorhome overnight; Camping at a National Park / Department of Conservation camping ground; In a hut at a National Park / Department of Conservation area; and Other camping ground / holiday park (where you can stay in a tent, cabin, caravan, or campervan / motorhome)

⁵ As an example: estimated visitors who responded as using "Other camping ground / holiday park (where you can stay in a tent, cabin, caravan, or campervan / motorhome)" increased from 69,400 in 2013 to 105,634 in 2015. This was 12,000 more than the previous high of 92,578 in 2006.

internationally for total visitors per capita. However, a large portion of annual visitors are concentrated into a peak season that only lasts a quarter of the year (May to September). During this period, accommodations can see near to or 100% occupancy rates, while in the off season rates can drop back to the teens. Popular camping and hiking areas can experience similar peaks. As an example the Tongariro Crossing receives 100,000 visitors annually, though in a single peak day 3,000 visitors can be on the trail (Wright, 2016).

Freedom camping may be experiencing a similar phenomenon, where capacity observed during peak season over states the presence of freedom campers. Strategies to promote freedom campers to visit a larger diversity of places in New Zealand spread into the shoulder seasons could be an effective way to reduce the perceived issues associated with freedom camping.

A third reason is because the locations for freedom camping are diminishing. Since the Freedom Camping Act, 2011 was introduced, councils have exercised their right to create additional policies or bylaws to further regulate freedom camping. The result has been a reduction in the sights available for freedom camping in many areas of New Zealand. This could be creating a situation where the number of campers hasn't increased greatly, more so their concentration has increased.

There is a possibility that these well intentioned policies to regulate freedom camping may accentuate issues related to freedom camping. For example, the Marlborough District Council introduced a four month trial of a new bylaw regulating freedom camping in the 2015/16 period. This included banning freedom camping outside of designated areas, which created a subsequent increase in non-compliance, complaints and infringement notices. There were 100 complaints, 200 campers asked to move and 88 infringements during the trial. The same period the year prior had 19 complaints, 62 campers asked to move and 14 infringements (Simpson, 2016).

Another example is the crowding observed after Christchurch closed local freedom camping sites in March, 2016. Campers that would have previously stayed in Christchurch were pushed into areas like Selwyn District. The district's main freedom camping site, Coes Ford, increased from roughly 50 to 75 vehicles to 75 to 100 after Christchurch closed their sites (Hume, 2016).

It is important to understand who is actually participating in freedom camping, and what will drive the change in the activity. So long as the topic is framed as an issue predominantly related to international visitors that are growing uncontrollably, the topic will be misunderstood. Regulations created without analysis of the issues may fall short of their intended outcome.

Limits to Freedom Camping Growth:

The first limitation to growth is the amount of people that find freedom camping appealing. Historically, freedom camping has been the choice of the minority of visitors to New Zealand. There is no evident reason to expect a sudden shift in acceptance or use of the accommodation type. At most, the rate of freedom camping should be expected to grow at a similar rate to that of total visitors. Even so, the IVS indicated that the rate is decreasing.

A potential influence for the decline in freedom camping is the growth of the Asian demographic as visitors to New Zealand. As Chart 2 shows, Asian origin visitors are least represented as a freedom camping group. This could indicate freedom camping is not a high preference accommodation. As

Asian origin becomes a larger portion of international visitors, freedom camping will likely continue to shrink as a proportion of total international visitors.

Conversely, freedom camping and caravanning is a traditional activity for many New Zealand residents. Though additional research needs to be conducted, freedom camping may be a more popular choice for New Zealand's domestic travelers than for international. There is evidence to suggest that the popularity may steadily grow, making the domestic population a driver of freedom camping growth, more so than international visitors.

This is evidenced by the fact that a majority of registered caravans in New Zealand belong to private owners. Members of the New Zealand Motor Caravan Association represent 80% of private owners. According to a 2011 survey, members spent an average of 75 days traveling per year. Over 60% say freedom camping is one of the forms of accommodation used while traveling (NZMCA, 2013). The tendency of local travelers to freedom camp is also supported by Covec's research, which showed that domestic travelers renting a caravan are less likely than international travelers to stay at paid locations, 75% vs 89% for international visitors (Coker, 2012).

The predilection for freedom camping is supported by the results of the Domestic Traveler Survey⁶. The survey showed that between 2008 and 2012; 184,752 domestic travelers (2.3% of total) used freedom camping as an accommodation. Supporting evidence also comes from an independent survey by RV Super Center of 6000 Marlborough residents in 2015, which found that *"80% of those aged between 45-65 would choose a campervan or motorhome holiday above any other type of holiday."* The survey also found that 54% of respondents over the age of 45 would prefer purchasing a motorhome to a nice car, boat or bach (RV Super Centre, 2015). The increasing costs of housing, vacation baches, and accommodations may bolster the trend of local travelers embracing motor caravans and freedom camping.

This leads to the second possible limitation, which is the number of vehicles in NZ. There is an absolute number of vehicles built for the purpose of camping. As of May, 2016 there were 38,820⁷ registered motor caravans with the NZTA. The bulk of caravans in New Zealand are owned by individuals for private use. In 2012, only 5,500 caravans were estimated to be owned by 60 local rental operator (Coker, 2012). This is similar to NZMCA's estimate of 5,300; leaving the remainder primarily in private ownership. Given the facts, the growth in motor caravans will more likely be driven by local market demand than international visitors and rental companies.

However, this does not capture all vehicles that can be informally used for freedom camping (such as station wagons, courier vans, box trucks). Though there is no viable research that has been conducted to determine how many vehicles are being used informally, there is still a limit to the number of such vehicles in NZ. The costs of importing coupled with regular scheduled inspection and registration fees are prohibitive to the number of old informal freedom camping vehicles. Given such, the number of vehicles available for freedom camping (both formally and informally) will likely not change drastically in a short period of time.

⁶ The Domestic Traveler Survey covered approximately 15,000 participants annually and was discontinued in 2012. Though there are years of overlap with the IVS, because of differences in survey structure the two are not directly comparable.

⁷ Statistics were gathered from the May 31st, 2016 release of the NZ Transportation Authorities registered vehicles <https://www.nzta.govt.nz/resources/new-zealand-motor-vehicle-register-statistics/national-vehicle-fleet-status/>

The Costs and Benefits

The activity of freedom camping, by nature, is difficult to analyse and track. The current situation has individuals and groups making decisions for and against freedom camping with a lack of knowledge. Freedom campers do not leave traceable information (like other accommodation) that can be assessed and measured through accommodation surveys, card spending, and industrial reports.

On the plus side, there has been evidence produced from a variety of sources on the value of caravanning and freedom camping in New Zealand. MBIE released figures in 2016 that estimated freedom campers were spending \$4,880 per visit to NZ, higher than the \$2,400 average for other visitors (Morris, 2016). The finding also estimated freedom campers (part-time and full time) were collectively spending \$260 million per year. NZMCA estimates that their members and the rental industry culminate to a \$650 million industry in 2014. (NZMCA) For daily spending per visitor MBIE established an estimate of \$100 per day, lower than the \$156 estimates for other visitors. Dunedin MBIE research determined that freedom campers composed 6% of their visitors and spent a higher \$195 per day. A Marlborough Council survey found a lower figure of \$89 per day in their district. These figures allude to a substantial economy surrounding freedom camping (Simpson, 2016). Focusing on spending alone does not answer if facilitating the activity is a net benefit to the communities freedom campers visit.

Beyond spending exist legitimate concerns about freedom camping that are supported with select cases and anecdotal evidence. There are observed problems at freedom camping locations that could be posing public order, health, and safety risks. However, these cases may not accurately represent the reality of freedom camping and fail to give due consideration to evidence of how much freedom campers potentially spend. A formal and comprehensive costs and benefits analysis has yet to be performed comparing both sides of the issue. Table 1 outlines different concerns to consider about freedom camping. These concerns are based on real community complaints and/or reported incidences from around New Zealand. The last column presents what should be known about the issue before making any decisions.

To proceed with regulation before performing an appropriate assessment of the problem, costs and benefits can lead to issues such as those experienced in the Marlborough District. Another risk of instituting premature regulations is highlighted by Whangarei District Council's recent experience where a new bylaw consultation may have to be undertaken (Newlove, 2016). Detailed local information can help the community and decision makers use their best judgment to determine the level of tolerance they are willing to have for freedom camping.

Table 1. Freedom Camping: Concerns and Questions for Additional Research		
Broad Issue	Specific Concerns	Knowledge Gap
1. Public Health and Safety	<ul style="list-style-type: none"> • public defecation and urination • litter • crime and vandalism • unauthorized fires 	<ul style="list-style-type: none"> • What percentage freedom campers participate in the public defecation, litter, crime and vandalism? • Are there simple solutions to decrease the occurrence besides outright bans? • How much is being produced by people not freedom camping, but attributed to freedom campers?
2. Financial Costs	<ul style="list-style-type: none"> • facility damages and maintenance • water and sanitation • waste removal • security and enforcement 	<ul style="list-style-type: none"> • How much of the burden is actually carried by local rate payers? • Does the amount freedom campers collectively spend offset the cost of maintaining the freedom camping locations?
3. Environmental and Social	<ul style="list-style-type: none"> • over crowding • threat to local waterways, flora and fauna 	<ul style="list-style-type: none"> • What are the most effective strategies for decreasing over-crowding of freedom campers? • Do freedom campers have a larger impact on the environment than other visitors? • Are there specific risks associated with freedom camping that require mitigation?
4. Enforcement	<ul style="list-style-type: none"> • non-compliance with regulations • non-payment of fines 	<ul style="list-style-type: none"> • Has the system of policies and bylaws become too convoluted? • Are visitors able to easily access information and guidance on freedom camping regulations? • Is the signage appropriate and effective? • Are the costs of enforcement higher or lower than the costs of facilitation? • Does the current notice and fine structure work to deter/redirect freedom campers as intended?
5. Business	<ul style="list-style-type: none"> • losses to competing accommodation industries 	<ul style="list-style-type: none"> • How many freedom campers would choose a paid location if freedom camping were not an option, versus how many would choose not to visit at all? • Does freedom camping actually compete with or complement other accommodation industries?

References

- Angus & Associates. (2015, April). *Value of the Holiday Park Sector*. Retrieved July 2016, from Holidayparks Association of New Zealand: <http://members.holidayparks.co.nz/system/files/holiday-park-sector-value-2015.pdf>
- Coker, J. (2012, October). *Understanding the Value Created by Campervan Tourists in New Zealand*. COvec Ltd.
- Cropp, A. (2016, March 17). *60,000 international tourists give freedom camping a go*. Retrieved July 2016, from Stuff: <http://www.stuff.co.nz/business/77845470/60000-international-tourists-give-freedom-camping-a-go>
- Edmunds, S. (2016, April 26). *Kiwis welcoming international visitors but some say pressure is on*. Retrieved July 2016, from Stuff: <http://www.stuff.co.nz/business/79324175/Kiwis-welcoming-international-visitors-but-some-say-pressure-is-on>
- FIRST. (2014, July). *Searching for Campervans Online: Which websites are maximising their market share?* BeyondD Pty Ltd Group.

Attachment 2

- Hume, M. (2016, May 6). *Christchurch freedom camping ban strains rural Canterbury campsites*. Retrieved July 2016, from Stuff: <http://www.stuff.co.nz/the-press/news/79700577/Christchurch-freedom-camping-ban-strains-rural-Canterbury-campsites>
- Kearns, R., Collins, D., & Bates, & L. (2016). "It's freedom!": examining the motivations and experiences of coastal freedom campers in New. *Leisure Studies*, ISSN: 0261-4367.
- Morris, C. (2016, March 26). *App means end of quiet campsite*. Retrieved July 2016, from Otago Daily Times: <http://www.odt.co.nz/insight/news/dunedin/377507/app-means-end-quiet-campsites>
- Newlove, A. (2016, July 15). *Freedom camping rules ease*. Retrieved July 2016, from The Northern Advocate: http://www.nzherald.co.nz/northern-advocate/news/article.cfm?c_id=1503450&objectid=11675034
- NZMCA. (2013). *Statistics*. Retrieved July 2016, from New Zealand Motor Caravan Association Inc.: <https://www.nzmca.org.nz/nzmca-statistics/>
- NZMCA. (n.d.). A Summary of the NZMCA Presentation. New Zealand Motor Caravan Association Inc.
- RV Super Centre. (2015, January 11). *Motorhome ownership top of NZ wishlist*. Retrieved July 2016, from RV Super Centre: Live the dream: <http://staging.rvsupercentre.co.nz/news-events/Pages/Motorhome-Survey-Results.aspx>
- Simpson, H. (2016, April 6). *Freedom campers owe Marlborough District Council \$5800 in unpaid fines*. Retrieved July 2016, from Stuff: <http://www.stuff.co.nz/travel/kiwi-traveller/78604983/Freedom-campers-owe-Marlborough-District-Council-5800-in-unpaid-fines>
- Wright, M. (2016, June 18). *The road well-travelled: The rise and rise of New Zealand tourism*. Retrieved July 2016, from Stuff: <http://www.stuff.co.nz/national/81137334/the-road-welltravelled-the-rise-and-rise-of-new-zealand-tourism>






Logan Ashmore,

Research Analyst

18 July 2016.

Camping and Caravaning Facilities: Far North District

Legend

-  FND Boundary
-  Freedom Camp Sites
-  Dumpstations
-  FND C Camping Sites
-  FND C Toilets



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: COMMITTEE INFORMATION REPORTS

Author: Aisha Huriwai - Meetings Administrator

Date of report: 12 August 2016

Document number: A1757783

Executive Summary

Council has resolved that meeting agendas should consist of reports that seek a decision for matters of substance. Reports that provide information only will be listed on this cover report in the agenda and also listed as attachments under separate cover. This will allow any matters arising from these reports to be discussed at the meeting if necessary. The attachments will be emailed to the Elected Members and included online in the electronic agenda. One copy of each report will be available at the meeting for reference. Where there is a need to disseminate the information to the wider public, the full information report will be included in the agenda as a separate item.

Recommendation

THAT the following reports and documents entitled and dated:

- a) ***“Monthly Reporting - Building, Resource Consents and Compliance to June 2016” 05 August 2016***
 - b) ***“Feedback from District Plan Engagement and Consultation” 22 July 2016***
 - c) ***“District Plan Update” 18 July 2016***
- be noted.***

1) Background

At the Council meeting of 12 March 2015 it was resolved, as part of the resolution relating to wider Governance matters, that:

“AND THAT meeting agendas consist of reports seeking decisions for matters of substance and that reports intended for information only be excluded from meeting agendas unless there is a need for broader community information dissemination;”

This report is a cover report for the Information Reports to which this resolution applies and which are referred to as an Attachment to this report.

While the attachment noted has been excluded from the hard copy agenda, the attachment will be emailed directly to Elected Members and will be electronically available to members of the public via the meeting agenda page on the Council's website.

At the Council meeting of 23 March 2016 a report was presented to Council to ask them to revisit the process for information reports to discuss how effectively it was working. As a result of that discussion Council passed the following resolution:

“THAT Council confirm the decision of 12 March 2015 to exclude information reports from the printed meeting agenda, unless there is a need for broader community information dissemination, providing that the printed

material is distributed at the request of members except for Committee members where information reports and information are to be included in the printed agenda.”

The Committee agenda produced for the members of each committee will contain a printed copy of any information reports as an attachment to the cover report. The electronic copies and references will remain in the attached information at the end of this report to provide access to the electronic copies of each report on the website.

2) Discussion and options

The attached reports are information only reports. As such they meet the criteria set out in the 12 March 2015 Council resolution for exclusion from the meeting agenda. The attachments will be emailed to Council Members and will be available online with the electronic agenda, except for Committee members where members will receive copies of information reports in their printed agenda. One copy of the reports will be at the meetings for reference.

3) Financial implications and budgetary provision

There are no financial implications or budgetary provision required as a result of this report.

4) Reason for the recommendation

To provide the Committee with a list of information only reports as part of the agenda as provided for in the Council resolution of 12 March 2015 thereby allowing matters arising from these reports to be discussed at the meeting if required.

Manager: Caroline Wilson - Manager District Administration Services

The following attachments are available on the Council's website at:

<http://www.fndc.govt.nz/your-council/meetings/council-meetings-calendar/meetings-calendar-events/2016-07-14-11.00am-regulatory-and-environment-committee>

Attachment 1: Monthly Reporting - Building, Resource Consents and Compliance to June 2016 - Document number A1754185

Attachment 2: Feedback from District Plan Engagement and Consultation - Document number A1749782

Attachment 3: District Plan Update - Document number A1747689

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Not applicable.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	Not applicable.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Not applicable.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Not applicable.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	Not applicable.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	There are no financial implications or the need for budgetary provision. The Chief Financial Officer has not reviewed this report.

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: MONTHLY REPORTING - BUILDING, RESOURCE
CONSENTS AND COMPLIANCE - TO JUNE 2016

Author: Dr Dean Myburgh - General Manager District Services Group

Date of report: 05 August 2016

Document number: A1754185

Executive Summary

The purpose of this report is to provide information to the Regulatory and Environment Committee in relation to Building, Resource Consents and Compliance to June 2016.

1) Background

Monthly statistical information in relation to the District Services Group’s Building, Resource Consents and Compliance departments, is provided to the Regulatory and Environment Committee to provide an overview of activity and performance within the Group.

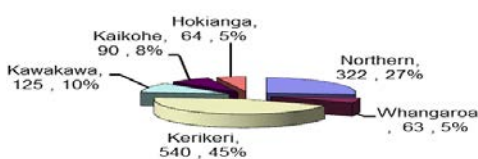
2) Discussion and options

Building Consents

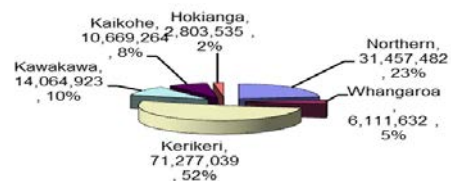
Key points of data gathered over the last period include:

- Building consents received and issued to June 2016 show a trend that the number of building consents issued continues to be higher than for the same period in the 2013 and 2014 Financial Years. Application numbers for the full year to July 2016 are at a six-year high.
- New dwelling applications continue to remain high in terms of numbers averaging nineteen a month for this year. The averages show that although our statutory days remain relatively low, our customer experience time frame has also reduced to a reasonable level. Our compliance to the statutory time frame continues to be around 99% for this current year.
- Building consents for residential Category 2 buildings have increased by more than 50% when compared to last year’s figures.
- Statistical Data Building consent numbers

**Building Consent Numbers
July 2015 - June 2016**



**Building Consent Values
July 2015 - June - 2016**



The southern area (Kerikeri, Kawakawa, Paihia and Russell) continues to account for 50% of the application numbers received.

Building Resource/Training

All vacant positions have now been filled, with new staff now deployed in the council reception ground floor, providing advice to customers. New staff has been given appropriate training before carrying out this role to ensure customers receive the appropriate level of service.

Collaboration meetings with Northland building managers are now taking place with one of the benefits being sharing training for officers. As a larger group we have the ability for the trainer to provide training and coaching in the north rather than officers traveling to Auckland or south of Auckland with the cost of travel and accommodation adding to the total training cost. The collaboration meetings will also provide for other benefits for the Building Department in the future.

Discussion is underway with Skills NZ with a proposal to link four new building officers into the Skills training programme for a National Diploma in Building Control Surveying. More experienced building officers have completed the diploma.

Building Department projects

The following projects continue to be worked on:

- a. Customer-centric invoicing involving the re-design of building consent invoices and statements is now complete.

The new building consent invoice process went live on 1st August. Building consent applicants should now only receive a maximum of two invoices per consent. The first invoice will be issued on the issue of a building consent and the second on the issue of a code of compliance certificate.

- b. IANZ (International Accreditation of New Zealand) Audit follow-up reports have been provided and accepted by the IANZ audit manager.
- c. Process Improvements continue and will be an on-going process.
- d. Electronic devices for Inspectors (one field trial now completed).
- e. Multi-skilling for administration staff processing small building consent fire places continues.
- f. Customer survey designed and provided with each building consent. Customer feedback is requested on the assessment of the application and the service related to inspections.

Process Improvements

Initiative	Developing	WIP	Complete
Electronic processing sheets - Office Based		√	
Electronic inspection devices and work sheets		√	
Update the web pages for the building area		√	
New invoice design and payment process			√

Maintain the internal audit program - accreditation			√
Monitor and record work carried out by customer service officer at new reception office		√	
Training and upskilling building staff toward recognized building qualifications		√	
Work toward an increased number trade/provisional practitioners at practitioners meetings		√	

Resource Consents

Key points regarding the statistical data shown in Attachment 2 include:

- Unprecedented all time high in terms of applications received (over 80) for the month of June. Not only is this the highest month tally for the entire FY, it is also highly unusual for the month of June, a normally quiet month - refer also to the monthly 3 year trend for the month of June.
- June consents issued figures are similar to the previous month. This means a potential for a widening gap between applications received and consents issued, and the beginnings of a backlog.
- As a consequence of continuing high numbers of applications being received, the Department continues to have to rely on external professional consultancy services to handle the workload.
- One resource planner vacancy has been filled, with the successful candidate taking up duties in early September. The other vacancy is yet to be filled.
- Senior (non-processing) staff are handling some of the load in order to ease the workload on the processing team. In addition, some policy planning staff are handling a small number of simple applications.
- The gap between customer and statutory days remains high.
- Despite the incredibly high number of applications, figures show 95% compliance to statutory timeframes for non-notified resource consent applications subject to discount regulations. The categories of consents this includes are land use; subdivision; combined land use/subdivision; discharge consents and variations. This accounts for the majority of our work.
- The amount of time spent on duty enquiries remains exceedingly high at 40-50 hours per week. Assistance has been provided by some Strategic Planning and Policy staff, for which the consenting team is extremely grateful. However, this has now dwindled as their own workload prevails. Fixed-term assistance in responding to duty enquiries regarding resource consenting has been approved to help ease the load on processing planners.
- A large amount of staff time has been spent on completing the NMS Database information for submitting to the Ministry for the Environment by end of June.

In addition to the statistics provided in Attachment 2, the following shows the totals for applications received since the 2012/13 FY:

2012/13	517
2013/14	518
2014/15	524
2015/16	641

Recent applications and/or consents of note, and updates on others previously listed, include:

- Subdivision application from Kerikeri Cruising Club to give effect to a land swap with conservation land (publicly notified as required by the District Plan). A small number of submissions received. Application still on hold at request of applicant;
- Waipapa/Kerikeri Flood Protection works (still under appeal);
- Application received from the Omapere Taraire E and Rangihamama X3A Ahu Whenua for a 15 house papakainga development near Kaikohe. Submissions received and a hearing required.
- Far North Holdings Limited - consent for land based development associated with the Windsor Landing boat ramp. The application went through a limited notification process. Submissions were received and at time of writing the applicant had requested the application go on hold while they discuss matters with the submitters.
- An application for the BOI Vintage Railway development at Opuia has been received and allocated to a consultant planner for processing.
- A Notice of Requirement application has been received for the Omanaia Water Supply development and has also been allocated to a consultant planner for processing.
- Application has been received from the Kerikeri Village Trust for a further extension of the retirement village onto the adjoining site. This is being processed by in-house Senior Planner.
- Application has been received for a change in the development design for a part of the Oakridge Retirement village. At time of writing this had not been allocated.

As previously reported, we have an unusually large number of limited and public notifications currently in progress (1 x public and 7 x limited). This places additional demands on resources. Three of the notified applications are being handled by consultant planners and 5 by internal staff.

Statistics indicated a continuing trend to have at least two thirds of all applications for development in the Whangaroa/ Kerikeri/ Kawakawa area:

Ward	Community	Percentage
Te Hiku	Kaitaia	27%
Western	Kaikohe Hokianga	8%
Eastern	Kerikeri Whangaroa Kawakawa	65%

Reporting Requirements

Work has begun on reviewing and improving our reporting systems, both in terms of how the information is gathered and how it will be reported moving forward.

It is intended that reporting to this Committee will provide a more detailed breakdown of the types of consents dealt with, along with some additional information that we believe will be useful to the Committee.

There are three groups of consent types that the department deals with, and reporting in the future, will reflect this:

Group 1: *RMA consents subject to discount regulations where there is a failure to comply with statutory timeframes:*

RMACLD/RMACOM	Combined land use / discharge and combined land use / subdivision
RMADIS	Discharge Consents (a delegated function from NRC)
RMALUC	Land Use Consents
RMASUB	Subdivision Consents
RMANES	Consents under a National Environmental Standard for which the FNDC has been given responsibility for implementing
RMAVAR	Variations to existing Resource Consents

(Group 1 accounts for the majority of our consents, and it is these consent types that are reported annually to the MfE in terms of detailed data)

Group 2: *RMA consents not subject to discount regulations*

RMACOC	Certificate of Compliance under s139 of the RMA
RMADES	Designations (Notices of Requirement)
RMAOUT	Outline Plans associated with Notices of Requirement
RMAOUW	Outline Plan waivers associated with Notices of Requirement
RMAEXT	Applications under s.125 to extend the lapse period of a resource consent
RMAOBJ	Objections to conditions of resource consents
RMAOTH	Other permissions/consents under the RMA, e.g. a change to the wording of a Consent Notice already registered on the title

(Of the Group 2 types, Designations (Notices of Requirement) and Objections are reported to the MfE, but only in terms of total number, i.e. no detailed data required)

Group 3: *Non RMA permissions / approvals*

LGA327	Building Line Restrictions
LGA348	Rights of Way
LGAEWK	Earthworks Permit
LIQCOC	Certificate of Compliance under Sale and Supply of Liquor legislation

(the Department also does Health Licence checks but these are not counted in any statistics).

In addition, we will report on % and number of issued consents that were subject to s.92 RFI's and to s.37 extensions to timeframes. We will also report on % and

number of issued consents that were subject to a notified process as opposed to non-notified.

The general statistics will continue to be reported on.

Reporting on Pre-Application Meetings

An aspect of our work that is not adequately reported on is the amount of time and number of times applicants or their agents meet with Council staff prior to lodging applications.

Planners currently spend 40-60 hours a week in duty enquiry services. In addition both the Manager and Principal Planner spend many hours each week discussing proposals, generally with the major players in the development in the district or with practitioners who lodge many applications. A considerable amount of time is also spent by our RC Engineers in discussing matters with would-be applicants or their agents.

Currently the amount of time spent on duty enquiries is recorded, but there is no differentiation as to whether an enquiry is in regard to a pending application. Not all duty enquiries convert to an application, but a significant proportion do. Formally requested and 'minuted' Concept Development Meetings (a form of pre application meetings) are recorded. Neither is the time spent by senior staff or engineers in meetings or discussions directly related to pending applications recorded.

The intended reporting is aimed at addressing the incorrect perception amongst the public and elected members that a lot of time or effort is not dedicated to pre-application meetings. The reality is quite the contrary.

Accurate and more informative reporting on pre-application meetings and enquiries is required and several measures are being (or already have been) put in place to ensure this can be achieved. These include:

- Amending the application form by asking if the applicant and/or their agent have spoken with a Council planner or engineer prior to lodging the application; this information can then convert to processing planners noting in their notification reports whether a pre-application meeting or enquiry occurred in regard to the application.
- This, in turn, converts to the data entered in the Ministry for the Environment's NMS database, better reflecting whether any type of pre-application meeting was held (currently this field is only marked a 'yes' if there is a formal pre-application meeting lodged on the Pathways system, whereas it would be more accurate to include both formal and informal pre-application meetings).

This improved reporting will enable management and elected members to get a clearer picture of the work the department actually does with applicants and their agents prior to them lodging their application.

Compliance

Key points regarding the statistical data shown in Attachment 3 include:

Alcohol Licensing

- Public notifications online project is underway which will streamline the licensee's process through notification on Council's website rather than in the newspaper.
- The Alcohol Team is working well with managers to build relationships through regular contacts and meetings.

Animal Management

- Review of RFS response process completed to ensure better response times achieved.
- Unregistered dog programme continuing in Kaitaia prior to year end.
- 61 dogs impounded, which is a 41% reduction from the previous month.
- 108 enforcement notices issued including 41 infringement notices, 52 notices to occupant and 15 notices to register dog.

Building Compliance

- Overdue RFS's improvements being implemented to reduce number of days overdue.
- 250% increase in the number of Certificates of Acceptance issued as the Compliance Team looks to work through the workload with the new Building Specialist providing added capability.
- 47% increase in swimming pool inspections as Compliance has built agility across the department to allow the monitoring team to assist with swimming pool inspections.

Health Licensing

- 20% increase in health license inspections completed with EHO's lifting presence.
- Work has commenced to transition 115 alcohol on-license premises to the new food control plans between March 2016 and March 2017.

Monitoring

- Failed vehicle crossings now identified and a response plan is being developed to address the non-compliance. This project is ongoing.
- The implementation of the new litter offence process is working well and delivering a more streamlined process between groups.

Noise Control

- 8% increase in complaints received totaling 148, 54 in the Eastern area, 51 in the Western and 43 in the Northern.
- 'Door Knocking' campaign continuing.

Onsite Wastewater Disposal Systems. (OSD)

- Council monitors more than 15,000 OSD systems. The OSD project in Kaeo is continuing.
- Meetings held with both Northern and Southern contractors to discuss process improvements and better understand their concerns regarding service. Meeting well received and attended by 20 contractors. Next meeting planned for February 2017.

Parking Enforcement

- 29% decrease in infringements issued indicates that parking attitudes are starting to change as the public are made aware of parking requirements / expectations across the district. Council's permanent full-time Parking Enforcement Officer currently monitors the Eastern Towns. This is currently being reviewed to include Parking Enforcement across the whole District.
- 145 infringements issued which is a 9% decrease on previous month.
- The parking signs in Kerikeri have been reviewed to ensure they are relevant and compliant with the legislation.

Staffing and Recruitment

The Building Specialist is now supporting the Compliance Team in providing peer review and Certificate of Acceptance (COA) processing. This has contributed to the increase in COA's issued. The Building Compliance Officer vacancy has been filled with a start date of late August 2016.

3) Financial implications and budgetary provision

The report is for information purposes and as such has no financial implication or the need for budgetary provision.

4) Reason for the recommendation

The report is to provide information to the Regulatory and Environment Committee Members.

Manager: Dr Dean Myburgh - General Manager District Services Group

Attachment 1: Building Consent Statistics - Document number A1754310

Attachment 2: Resource Consent Statistics - Document number A1754311

Attachment 3: Compliance Statistics ending June 2016 - Document number
A1747698

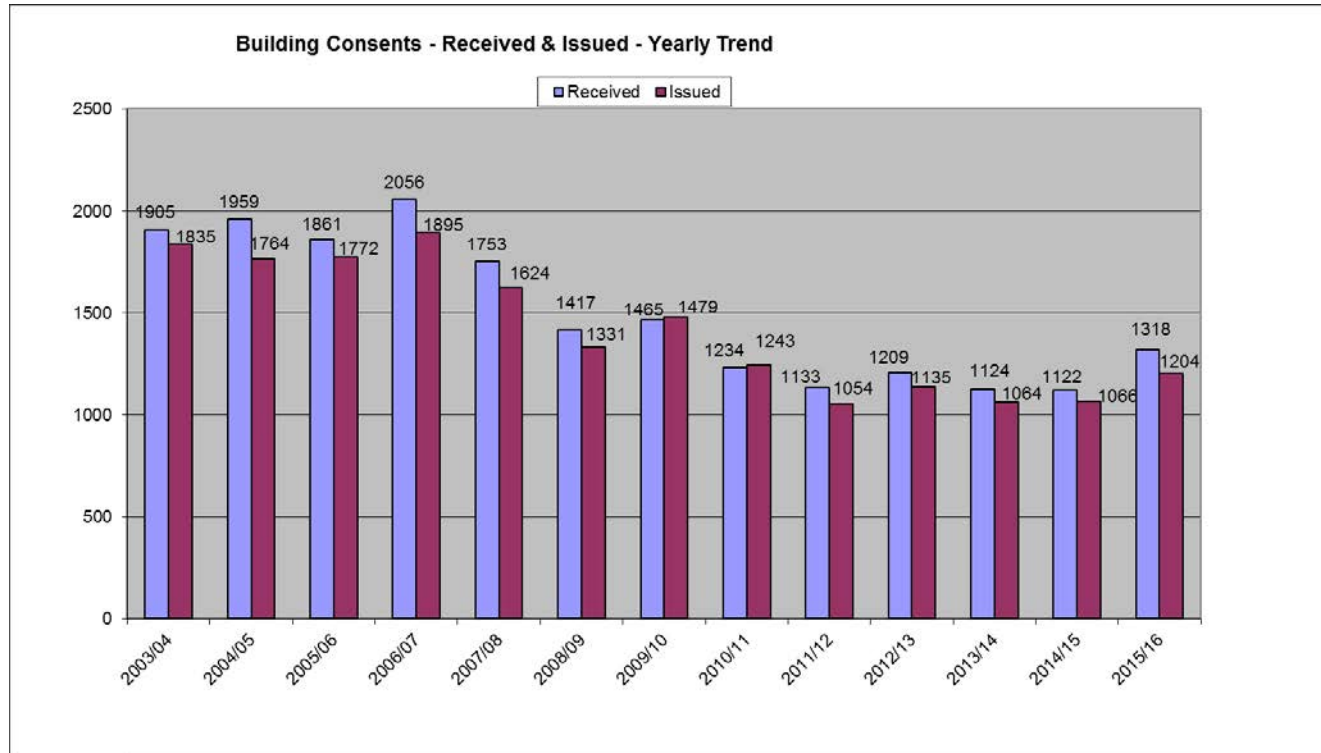
Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

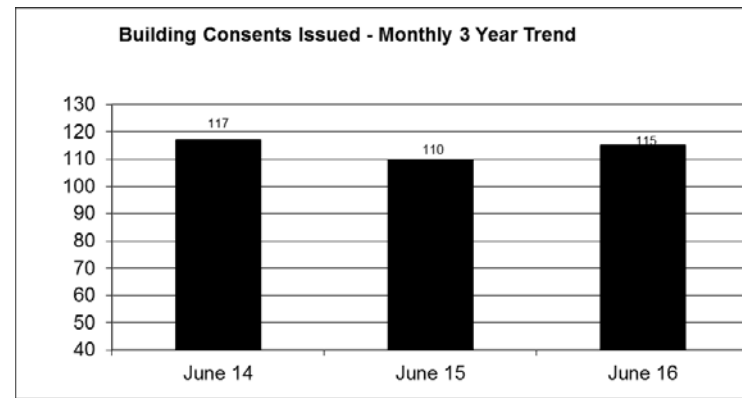
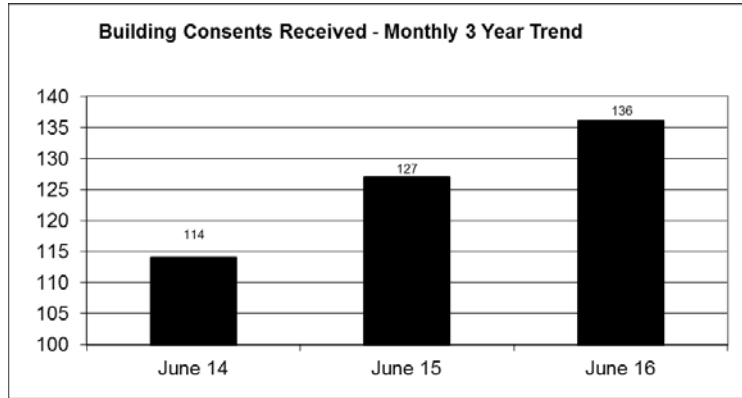
1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Not applicable.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	Not applicable.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Not applicable.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	Not applicable.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	District wide significance.
Financial Implications and Budgetary Provision. Chief Financial Officer review	There are no financial implications or the need for budgetary provision. The Chief Financial Officer has reviewed this report.

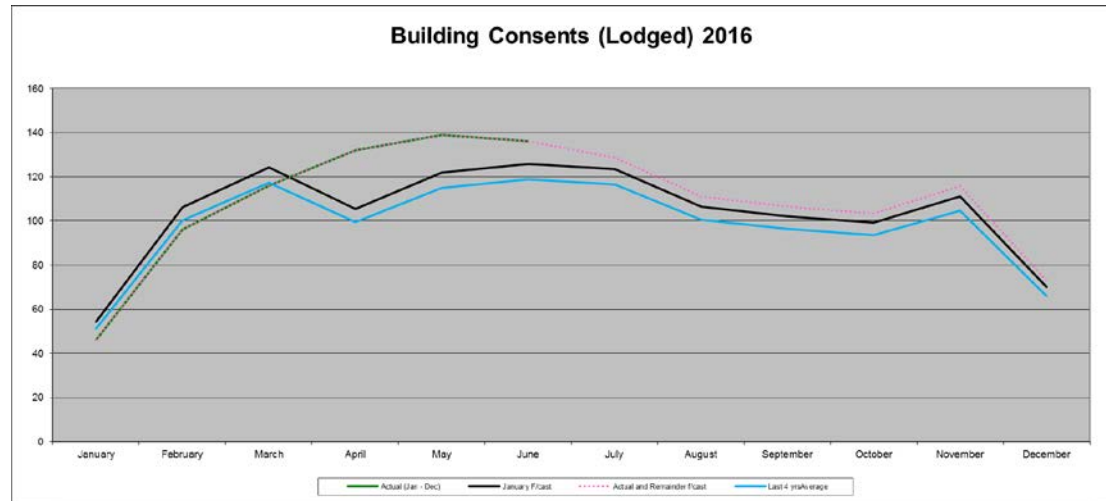
Building Consents Received and Issued Year to Date July 2015 - June 2016



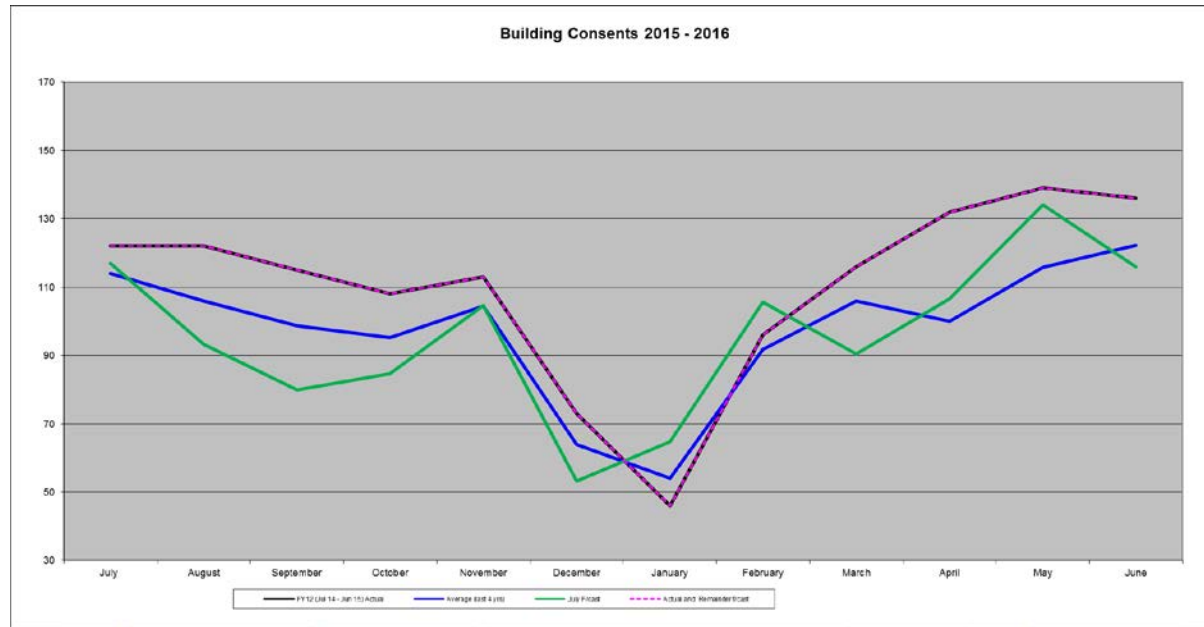
Application numbers for the full year to July 2016 - a 6 year high.



The above show the relative number of consents received and issued for the last three years for comparison

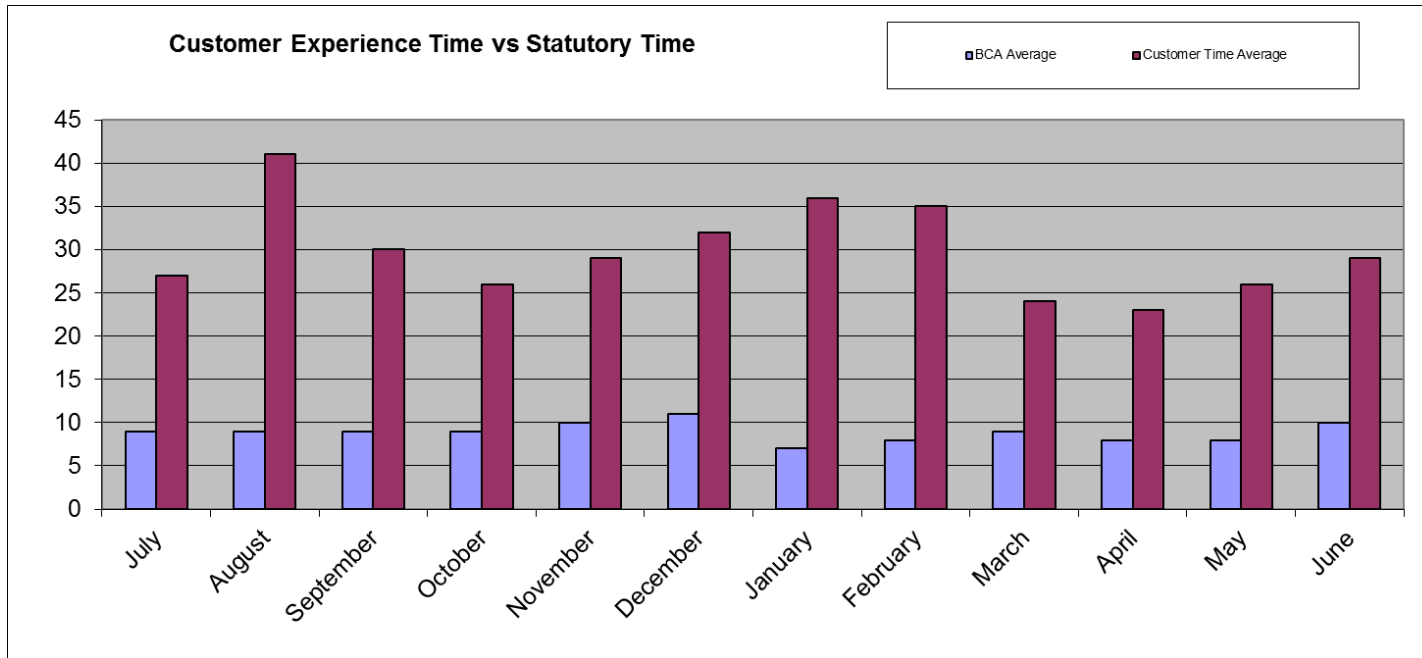


Both forecasting graphs are predicting that applications are going to continue to remain high for this year, at least.

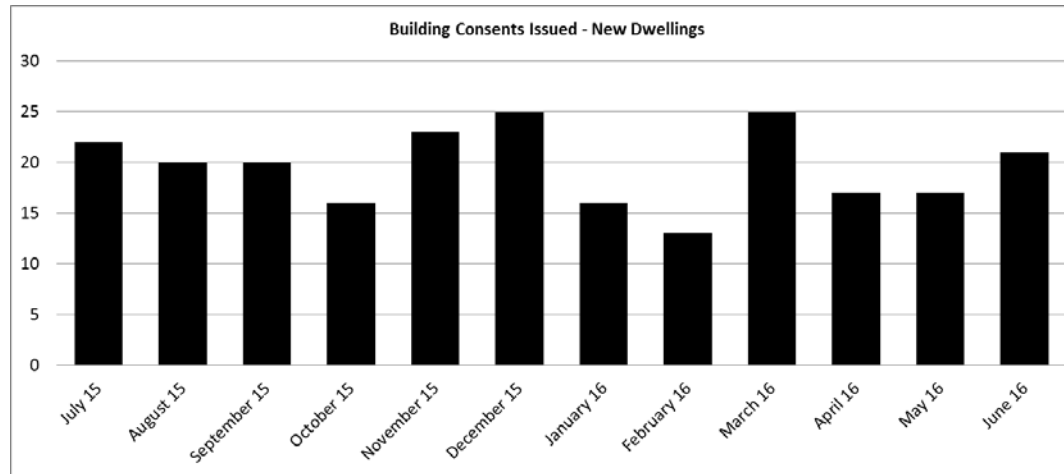


This shows the forecast and demand from July 2015 to June 2016 and if current levels are maintained will mean an increase of around 15% or around 200 applications based on the initial forecast for the year and the last 4 yearly average. It can be expected also that there will be an increase in demand for inspections as a result of this increased activity.

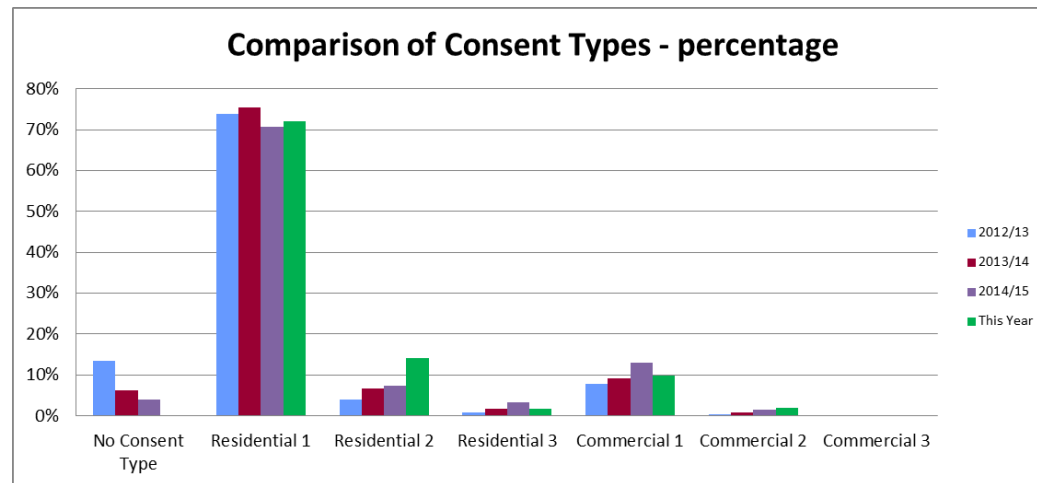
The averages shown here highlight the fact that although our statutory days are relatively low, our “customer experience” time frame has reduced to a reasonable level. Our compliance to the statutory time frame remains around 99% for this current year (July to June 2016) despite the increase in demands.



Customer days are still a focus of the team and have remained around 30 days for this year (July 2015 to June 2016) last year the average was 38 days. The increases in “Customer Experience” and “Statutory” average times is also a feature of increased demand vs output.



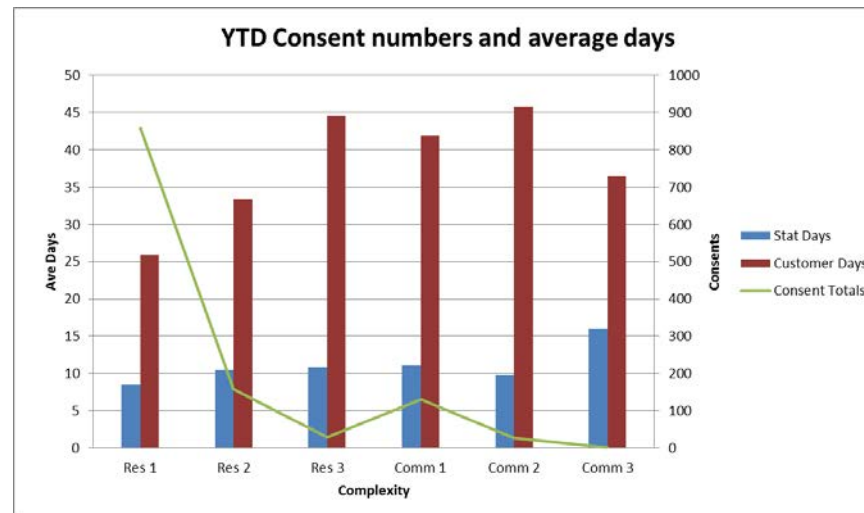
New dwelling applications continue to remain high averaging 19/month this year, compared to 17 for the previous year.



Residential 1 applications have remained strong through this year as well as the continuing trend of the more complex Residential 2 and Commercial applications remaining relatively high.

A breakdown of time frames for the different categories of building is included below.

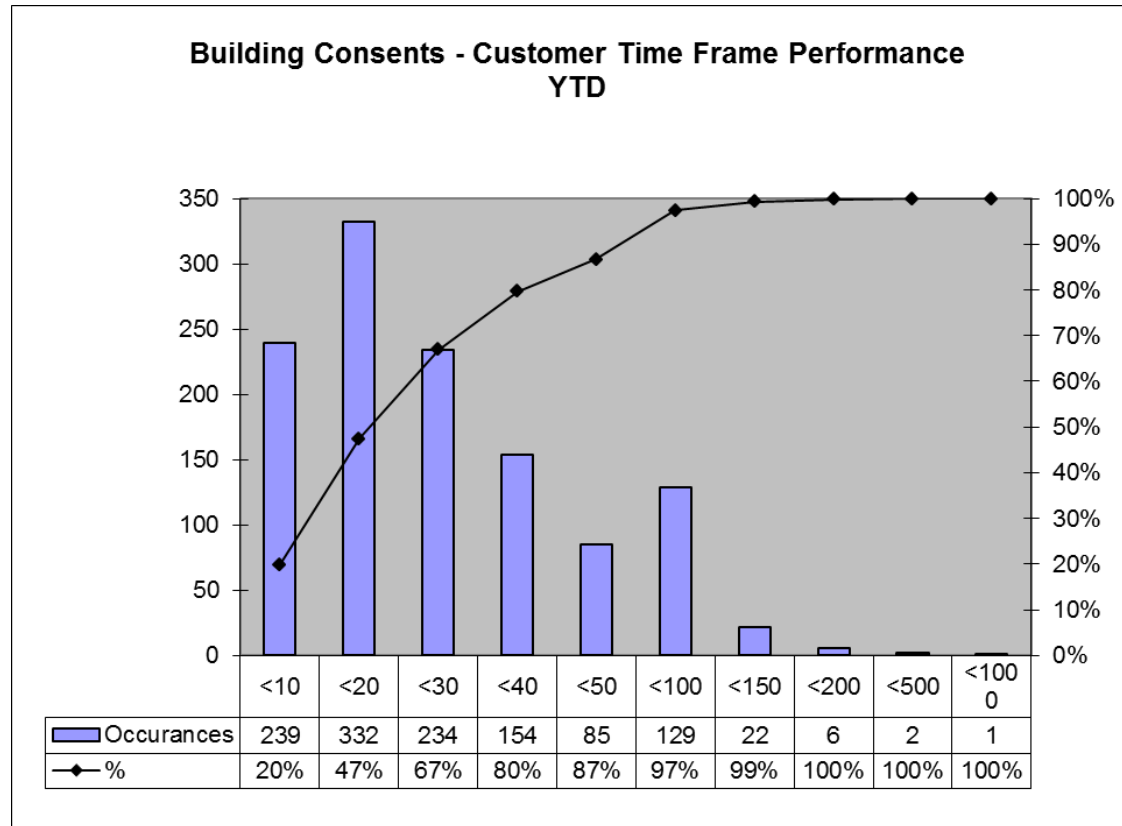
Month	Statutory Days			Customer Days			Totals
Cat	Max	Min	Ave	Max	Min	Ave	
Res 1	18	1	10	92	4	26	91
Res 2	19	2	11	67	5	33	14
Res 3	0	0	0	0	0	0	0
Comm 1	16	6	11	93	15	49	7
Comm 2	11	6	9	86	16	42	3
Comm 3	0	0	0	0	0	0	0



The green line shows, in each graph, the number of consent applications by type. The blue and maroon columns indicate the statutory and customer time frame averages for each category of building.

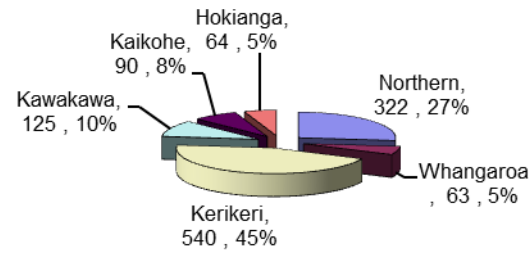
As discussed previously, these results are not unexpected - the more complex the application, the more complex or time consuming any RFI's might be.

2015 - 16 Full Year (July to June)



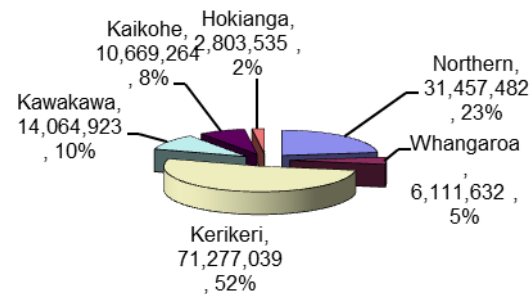
This graph shows that approximately 80% of applications have been processed within 40 “Customer days” (or approximately 30 “working days” if weekends are removed) and approximately 50% of applications this year have been processed in 20 customer days or less.

**Building Consent Numbers
July 2015 - June 2016**



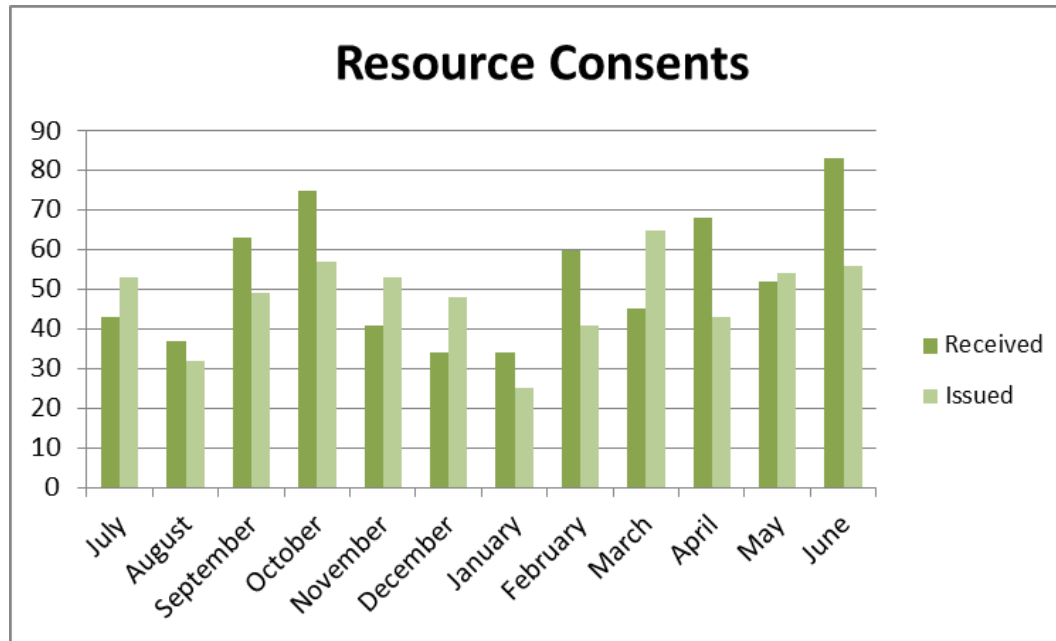
The southern area - Kerikeri, Kawakawa, Paihia and Russell usually account for just over 50% of the application numbers received.

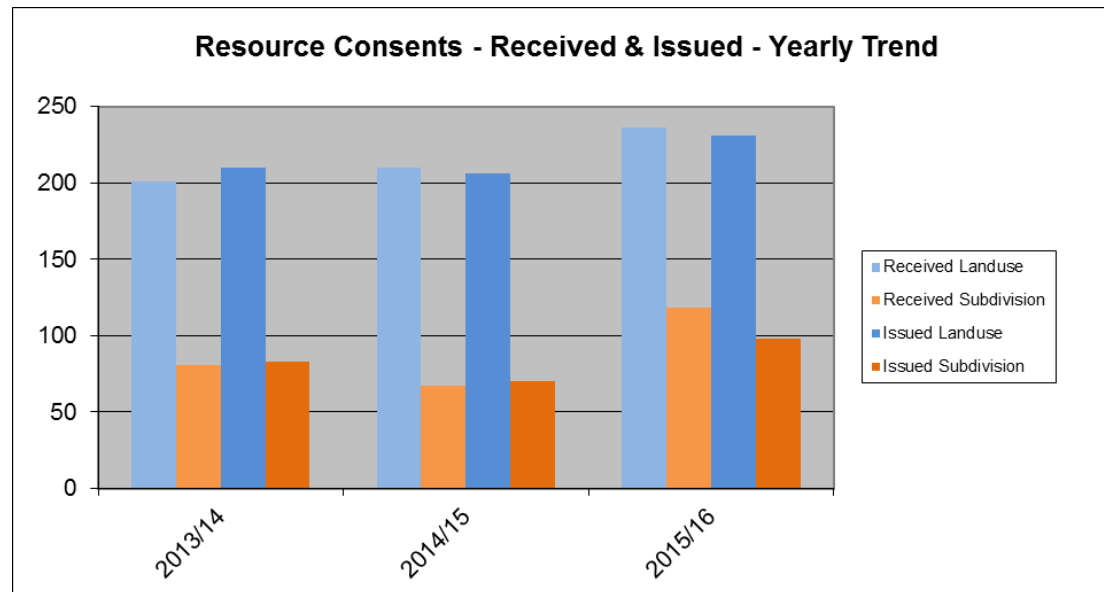
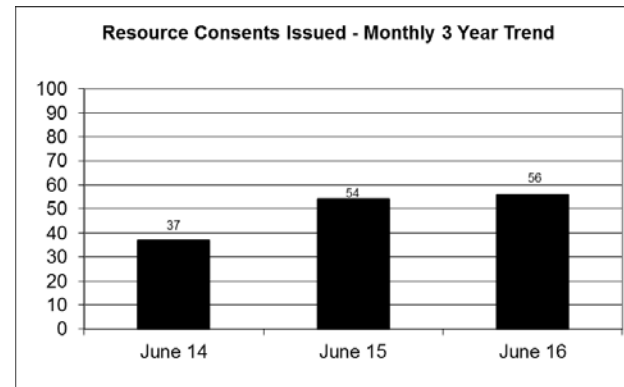
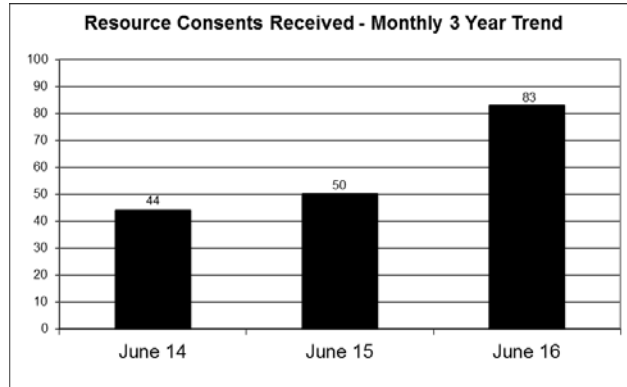
**Building Consent Values
July 2015 - June - 2016**

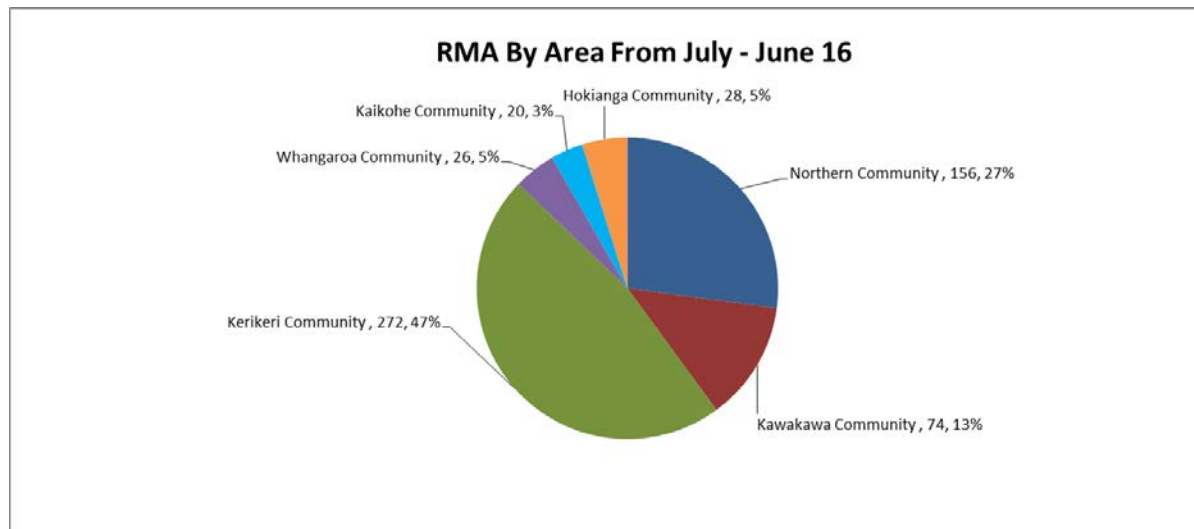
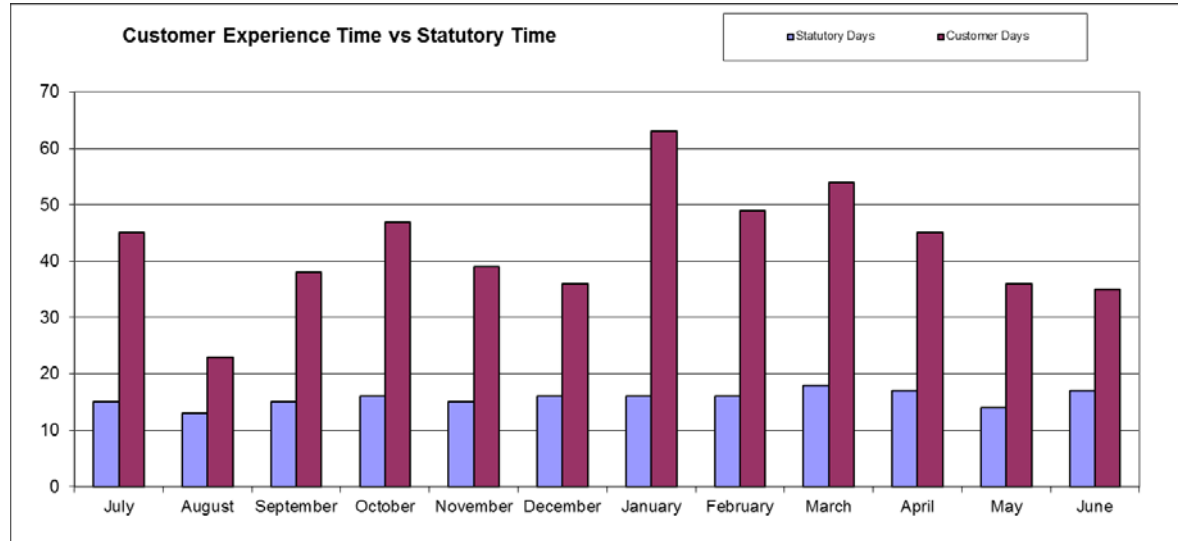


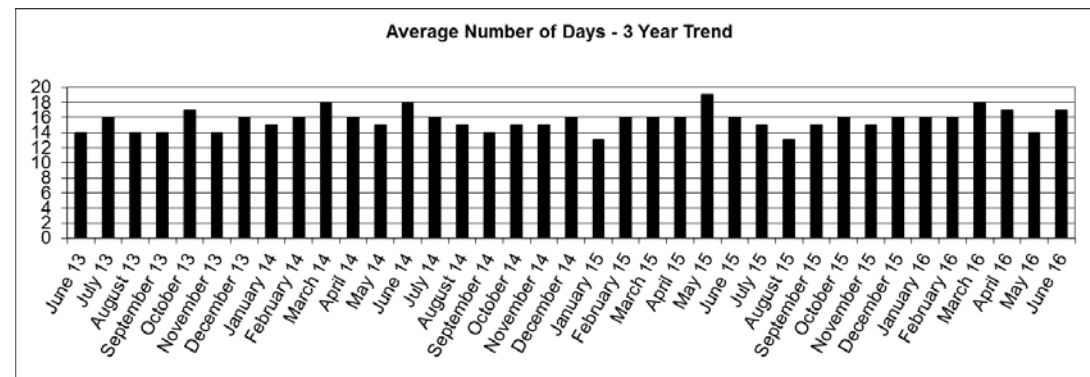
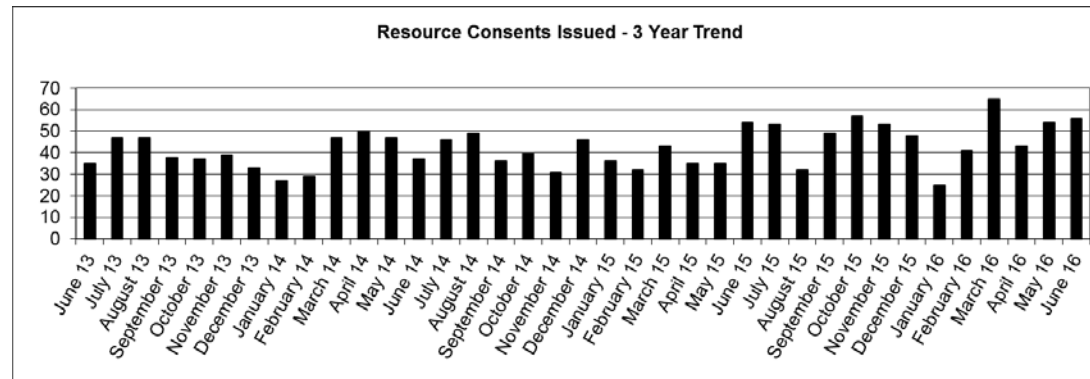
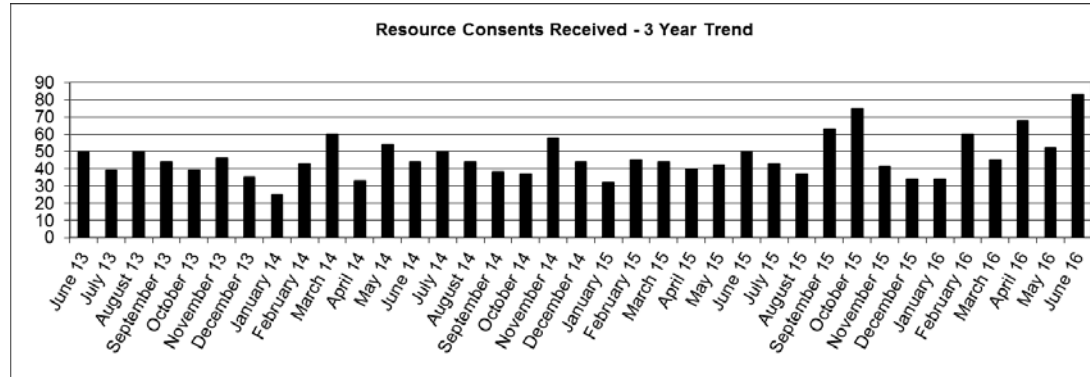
This chart shows that the higher value projects are in the southern area also, as may be expected with areas like Paihia and Russell.

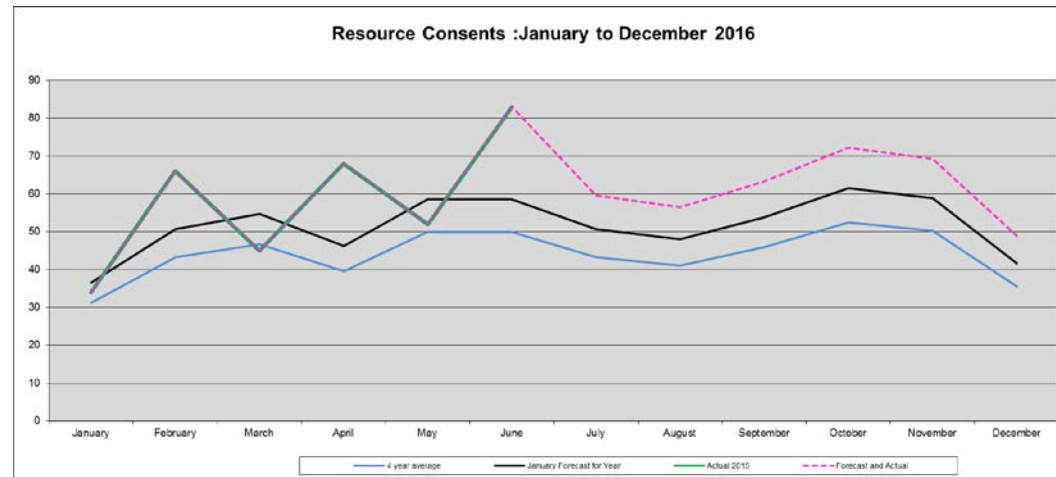
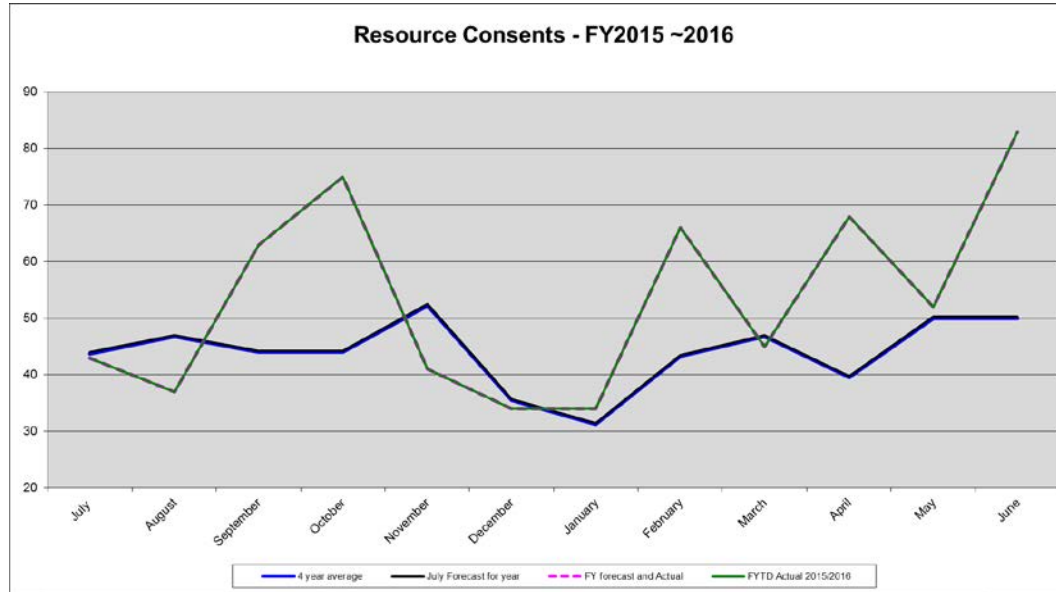
Resource Consents Received and Issued July 2015 - June 2016









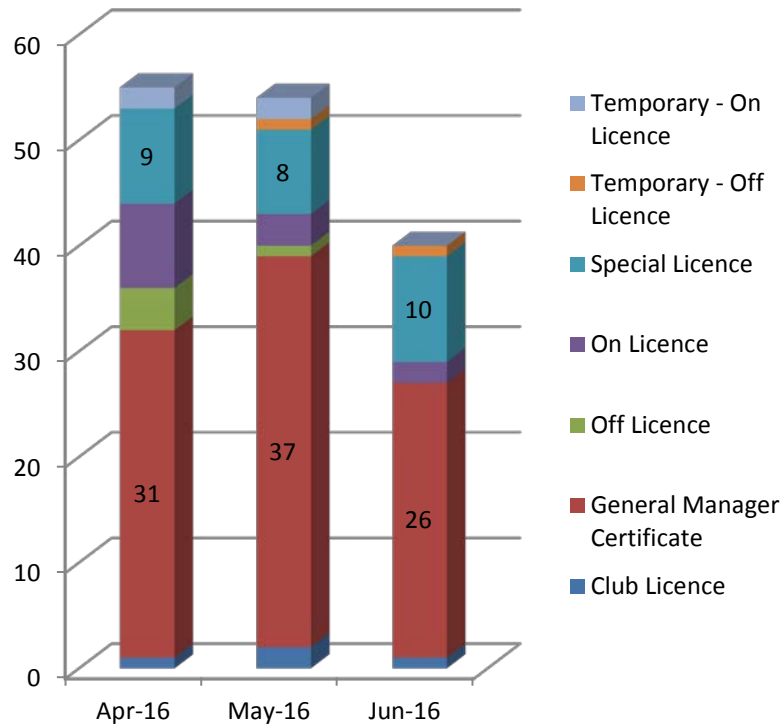


Compliance: Alcohol Licensing (June 2016)

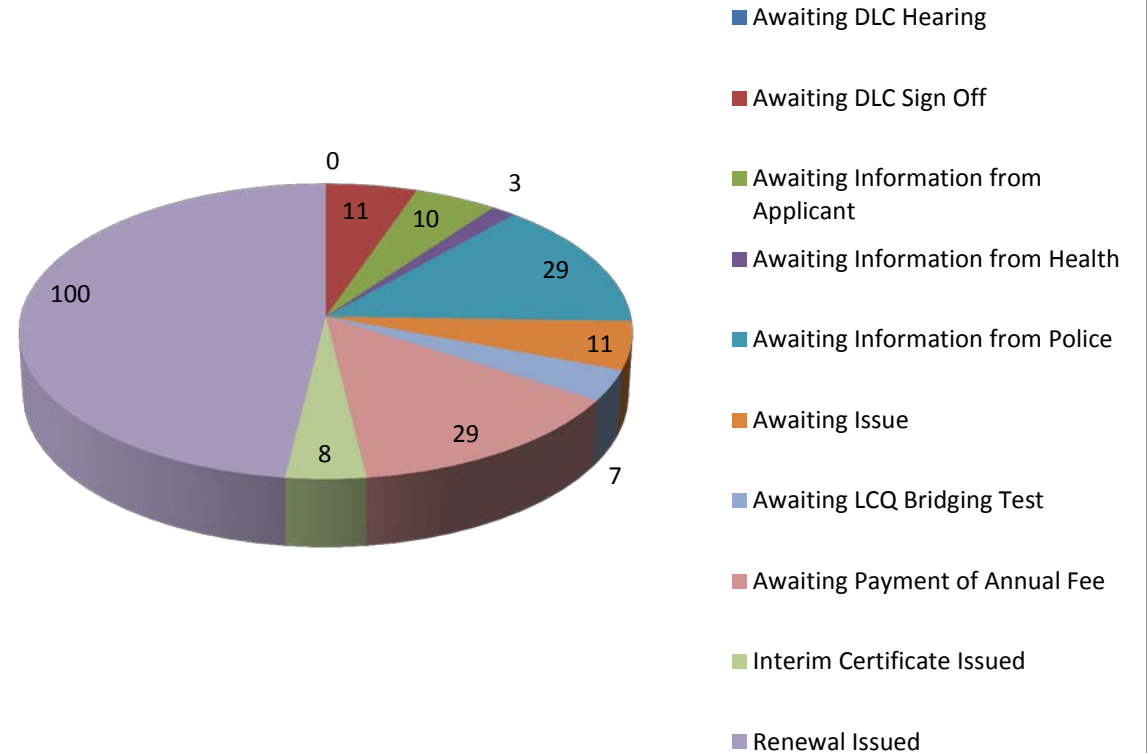


Summary of Activity: The Compliance team is responsible for processing alcohol related licences. There are two Alcohol Licensing Inspectors that assess applications, prepare reports and submit to the District Licensing Committee for decision.

Applications by Type



Applications by Status (Work in Progress)



Highlights for the month (June 2016):

- 29% (-9) decrease in the number of General Manager's Certificates issued compared to previous month. General Manager's certificates are renewed based on the anniversary date of that particular application so the number processed fluctuates each month.
- 25% (+2) increase in the number of Special Licences issued for the month. Special Licences are applied for special events.
- 48% (100) of applications in progress relate to a reminder notice being sent to licencees to renew their certificate or licences. Council is pending a response from these licencees. This is an additional 16 licences compared to the previous month.

Project Status Updates (June 2016):

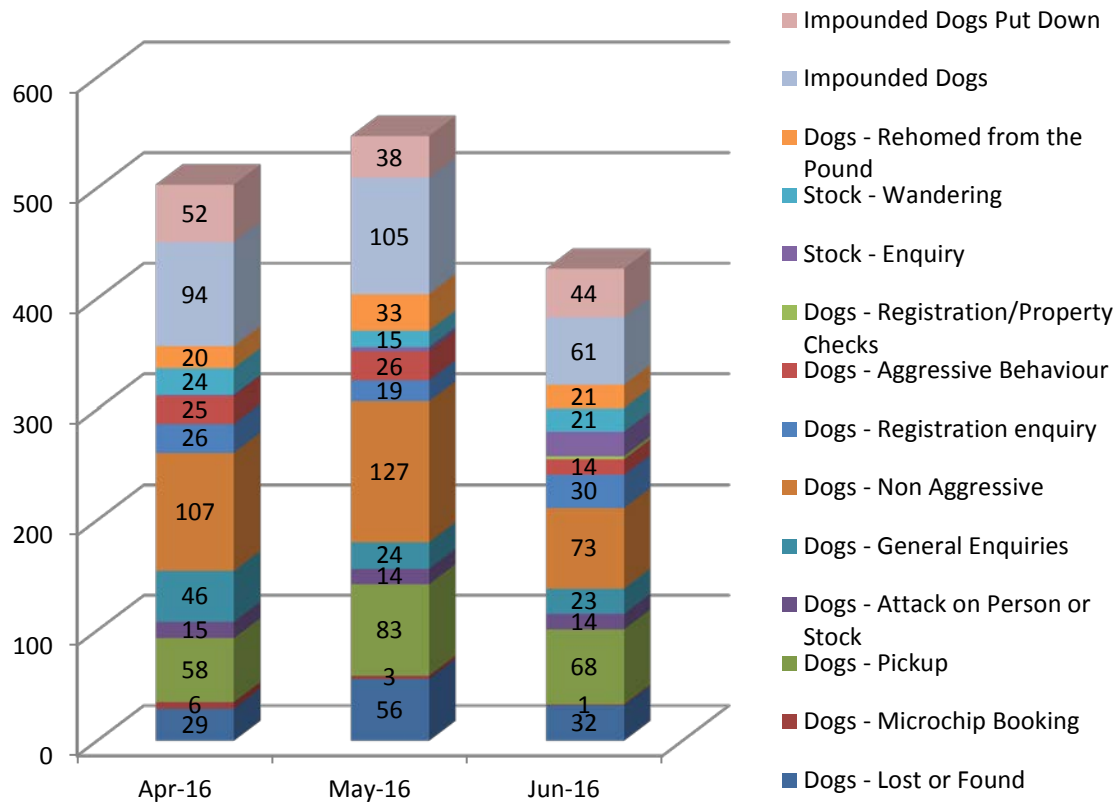
- *Public Notices Online* project which will enable applicants to publicly notify via Council's website rather than in local newspapers is still a work in progress. Investigations are still under way to determine how to implement this through Council's website.

Compliance: Animal Management (June 2016)

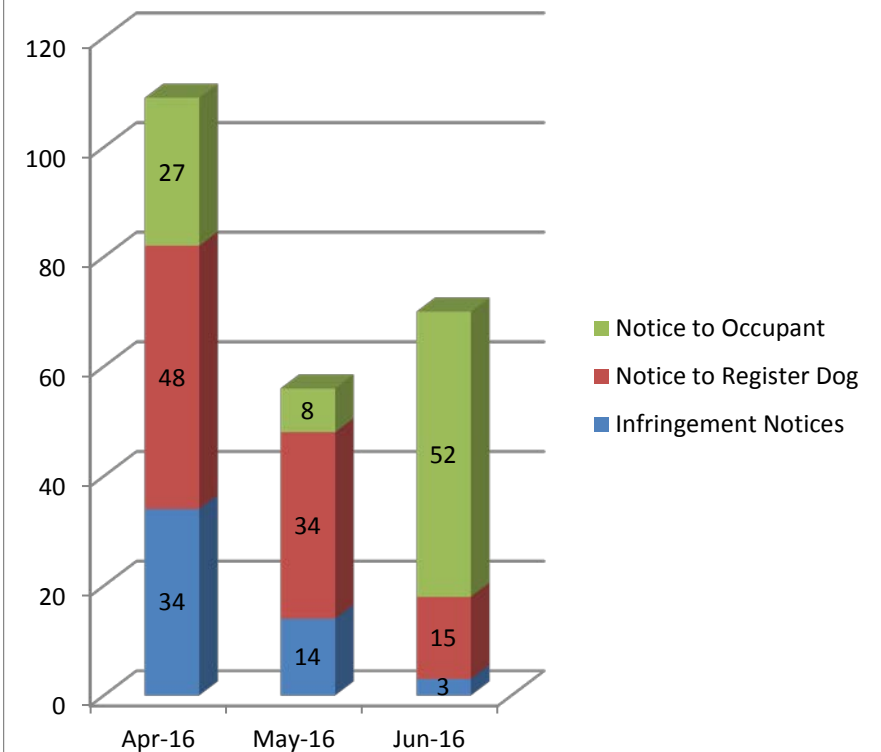


Summary of Activity: The Compliance team is responsible for enforcing the Dog Control Act and Stock Impounding Act throughout the District. There are 7 full-time officers that carry out this activity, based in Kaikohe and Kaitaia.

Animal Management Activity by Type



Notices Issued by Type



Highlights for the month (June 2016):

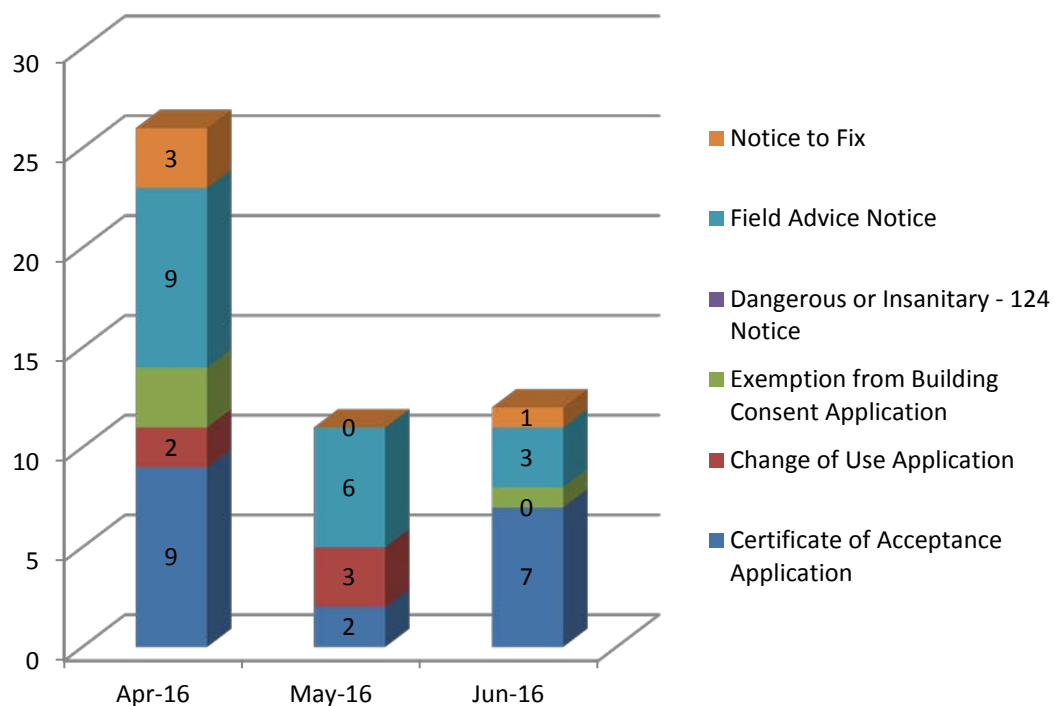
- 42% (-24) decrease in number of lost dog queries received for the month compared to last month.
- 42% (-54) decrease in number of non-aggressive complaints which includes complaints of barking, straying, fouling or nuisance.
- 450% (+18) increase in number of stock enquiries received for the month compared to last month.
- 41% (-44) decrease in number of dogs impounded for the month compared to last month.

Compliance: Building Compliance (June 2016)

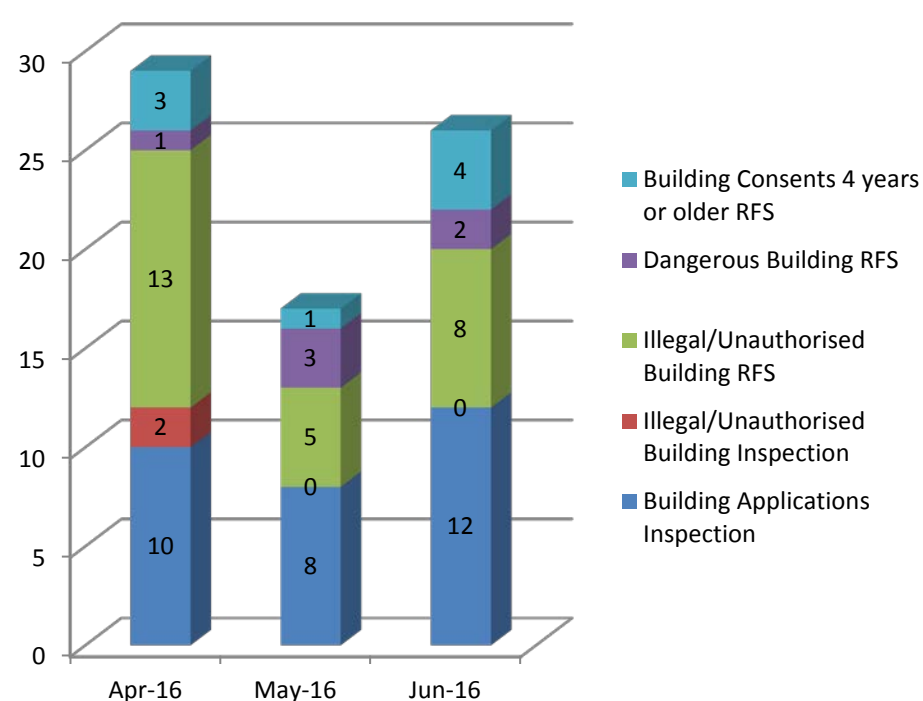


Summary of Activity: The Compliance team is responsible for carrying out inspections, processing applications and lodging notices for Building Compliance. There are three officers and two specialists working in the Building Compliance area.

New Applications and Notices Lodged by Type



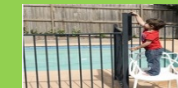
Inspections Completed and RFS Received by Type



Highlights for the Month (June 2016):

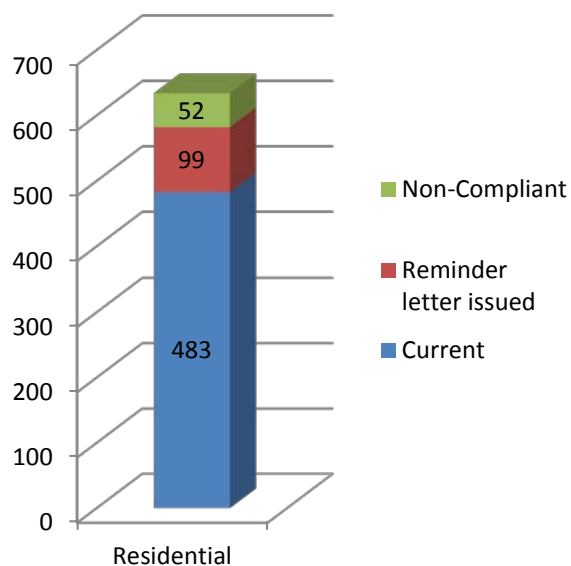
- 250% (+5) increase in the number of Certificate of Acceptance applications processed compared to previous month. The month prior to the previous was 9 applications received.
- No *Dangerous or Insanitary building notices* issued for the month.
- 1 Notice to Fix issued for the month. This was issued to a property owner in Kerikeri for failing to apply for a Building Consent for the construction of a building and boat shed.
- 50% (+4) increase in the number of inspections carried out for building applications compared to previous month.
- 60% (+3) increase in the number of illegal/unauthorised building RFS compared to previous month.

Compliance: Building Warrant of Fitness & Pools (June 2016)

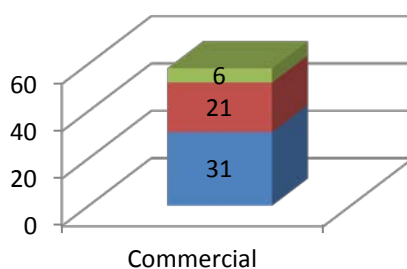


Summary of Activity: The Compliance team is responsible for ensuring that specified systems are regularly inspected by an Independently Qualified Person (IQP) and that a Building Warrant of Fitness is renewed annually. The Compliance team is also responsible for ensuring that swimming pools registered in the district have a fence that is compliant with the Fencing of Swimming Pools Act.

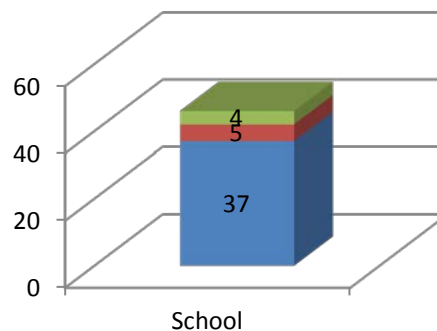
Residential Pools by Status



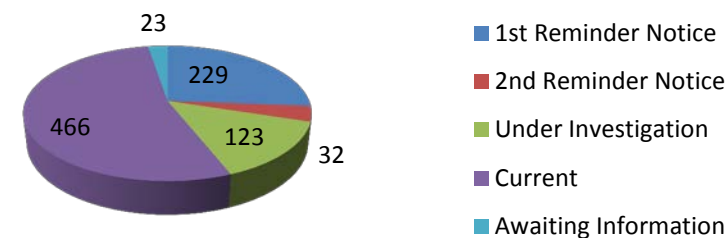
Commercial Pools by Status



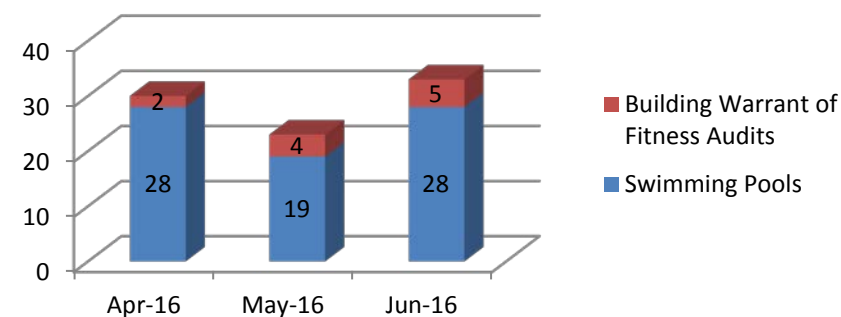
School Pools by Status



Building Warrant of Fitness by Status



Total Inspections by Type



Highlights for the month (June 2016):

- 47% increase in number of swimming pool inspections carried out as a result of the *overdue swimming pool inspections project* started in March 2016.
- 5 Building Warrant of Fitness inspections carried out as a result of the *overdue Building Warrant of Fitness project* started in March 2016.
- 123 Building Warrant of Fitness' are currently under investigation, either awaiting audit, awaiting issue of CCC, FAN issued, non-compliant or out of date.

Project Status Updates (June 2016):

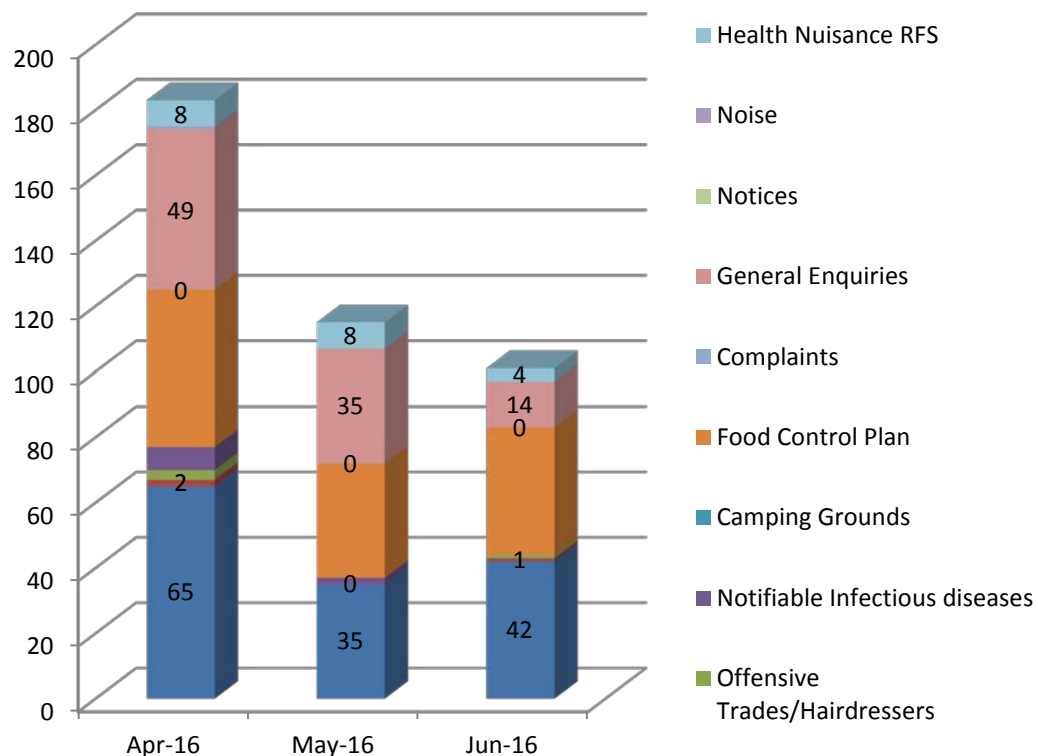
- The process relating to Overdue BWOF's has been mapped. This means that any overdue BWOF's will now follow a standard process which includes issuing owners with notice to fix and infringement notices if they fail to apply for supply an up-to-date BWOF. The documentation for this process are still being finalised.

Compliance: Health Licensing (June 2016)

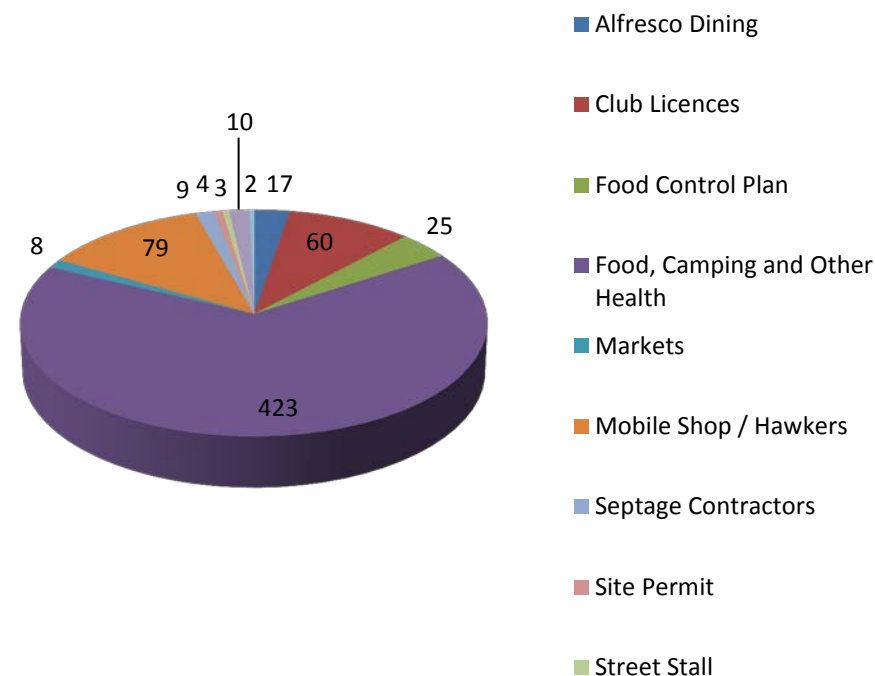


Summary of Activity: The Compliance team is responsible for ensuring food businesses throughout the District comply with the Food Act and that food is safe for the public. There are 4 Environmental Health Officers that carry out this activity and this service is contracted by the Northland District Health Board.

Health Activity by Type



Health Licence by Type



Highlights for the month (June 2016):

- 20% (+7) increase in number of premise inspections carried out during the month compared to previous month.
- 60% (-21) decrease in general enquiries received for the month compared to previous month.
- Majority (65% or 423) of licence types relate to Food, Camping and Other Health licences.
- 5 businesses have applied for registration under the new legislation during the month.

Project Status Updates (June 2016):

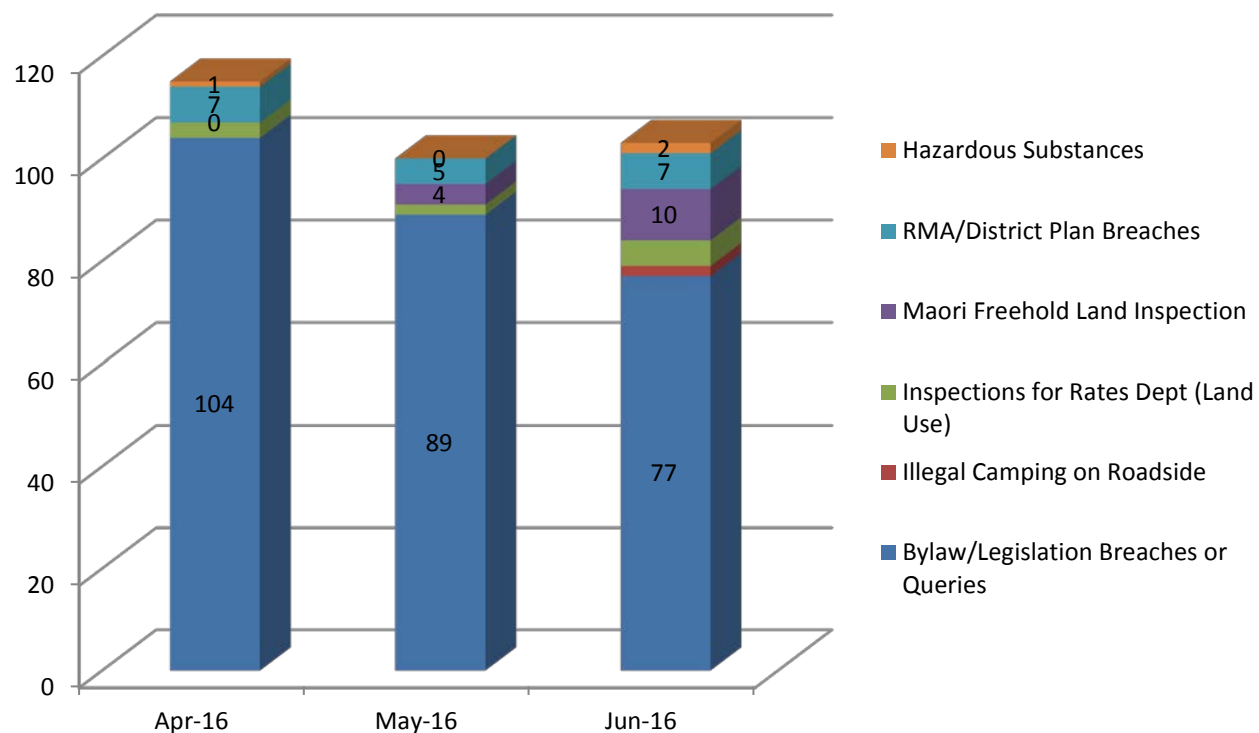
- There are 117 on licensed businesses that need to be transitioned over to the new legislation by 1st March 2017. To date, 5 on licenced businesses have been transitioned over to the new legislation.

Compliance: Monitoring (June 2016)

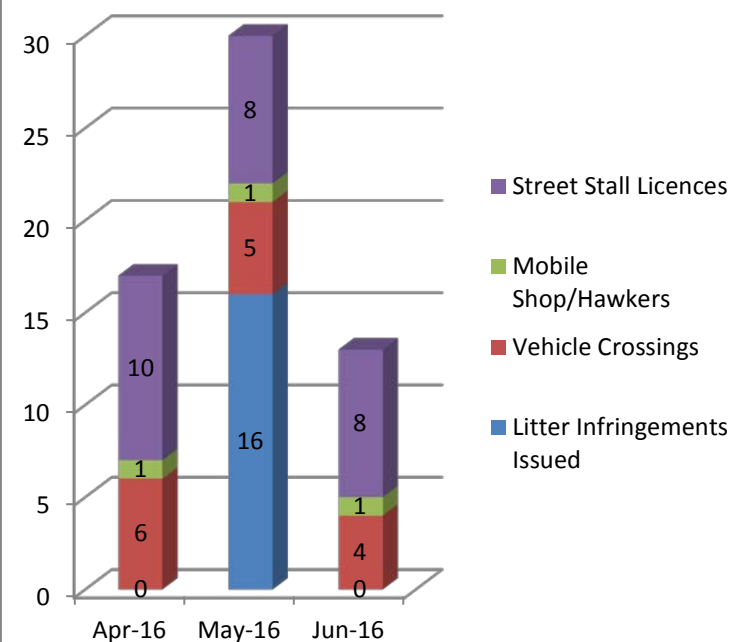


Summary of Activity: The Compliance team is responsible for enforcing bylaws and legislation within the District. There are 6 officers that carry out this activity. This activity includes the monitoring of the following bylaws: Keeping of Animals, Poultry and Bees; Public Places; Vehicle Crossings; Brothels; Mobile Shops and Hawkers. This activity also includes the enforcement of the following legislation: Resource Management Act; Litter Act and Local Government Act.

Total RFS by Type



Applications, Licences and Infringements Issued by Type



Highlights for the month (June 2016):

- Minor decrease (13% or -12) in RFS received related to bylaw or legislation breaches or queries. This would include complaints or queries relating to keeping of pig or bees; mobile shops; abandoned vehicles; overgrown sections; storm water issues or smoke nuisances.
- Increase (+6) in number of requests received to inspect Maori Freehold land.
- No litter infringements issued during the month. Large amount of infringements issued in the month prior.

Project Status Updates (June 2016):

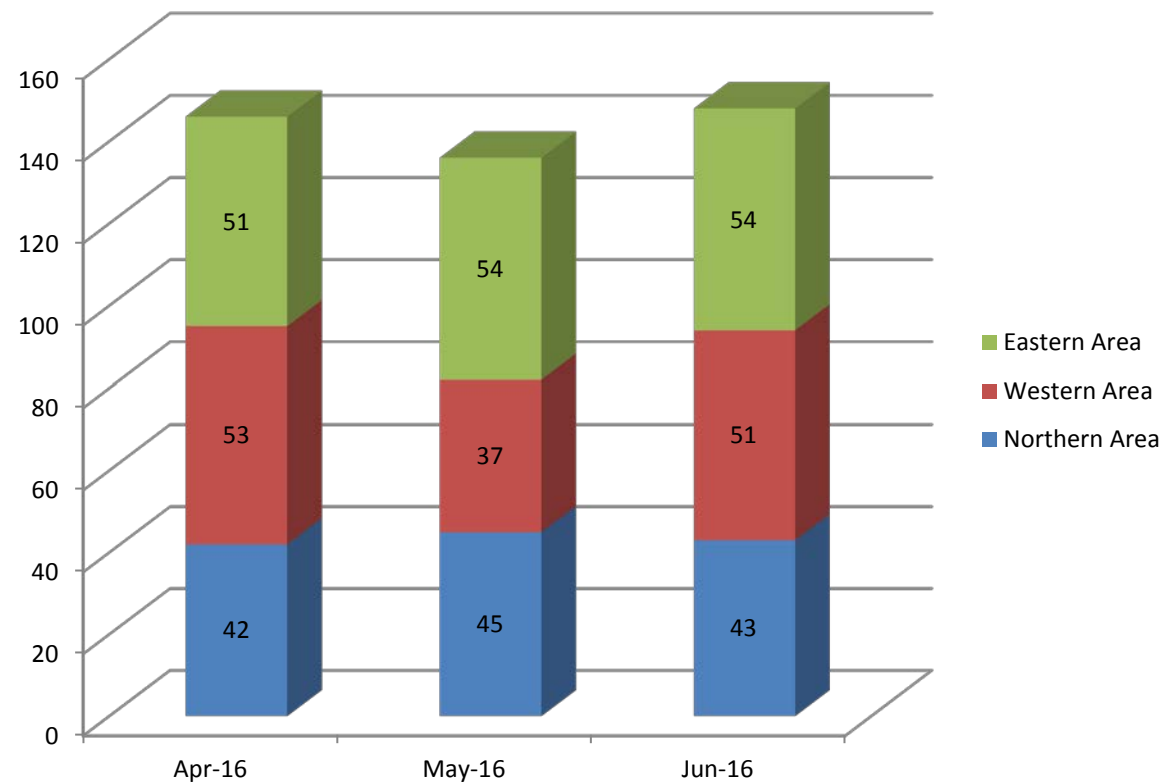
- *Vehicle Crossing failure project* still a work in progress. This project will address vehicle crossings installed across the district that are not compliant with engineering standards. Process has been mapped and will need to be finalised before implementation can take place.

Compliance: Noise Control (June 2016)



Summary of Activity: The Compliance team is responsible for monitoring noise complaints throughout the District. This service is contracted by First Security. Complaints received within the urban area have a response time of 1 hour, and complaints within the rural area of 2 hours.

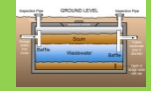
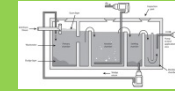
Noise Callouts by Area



Highlights for the month (June 2016):

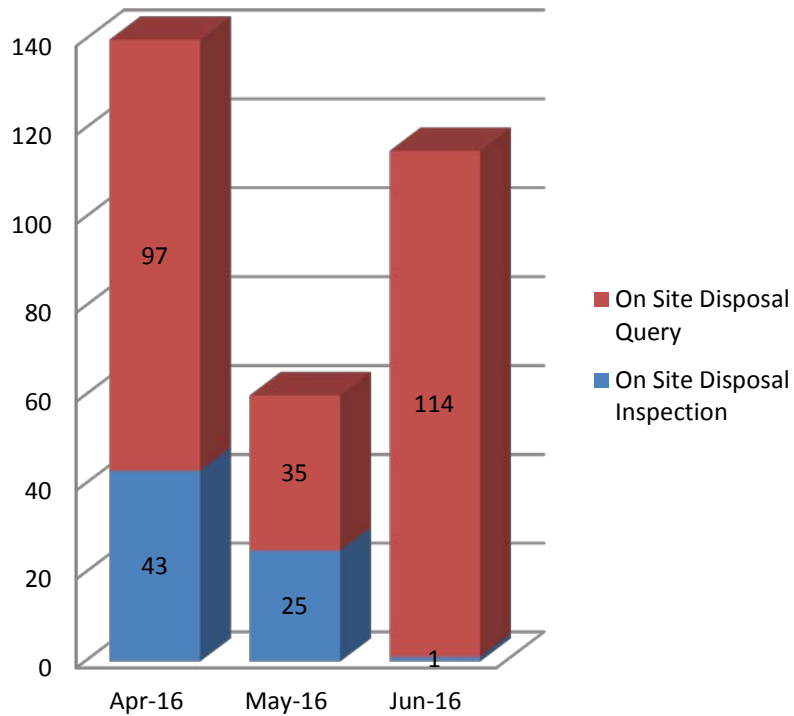
- 8% (+12) increase in the number of noise complaints received compared to previous month.
- 37% (+14) increase in the number of noise complaints received for Western area (Kaikohe and Hokianga).
- 29% (43) of complaints received are from the Northern area (Kaitaia and surrounds); 36% (54) from the Eastern area (Kerikeri, Bay of Islands and Kawakawa); 34% (51) from the Western Area (Kaikohe and Hokianga).

Compliance: Onsite Wastewater Disposal Systems (June 2016)

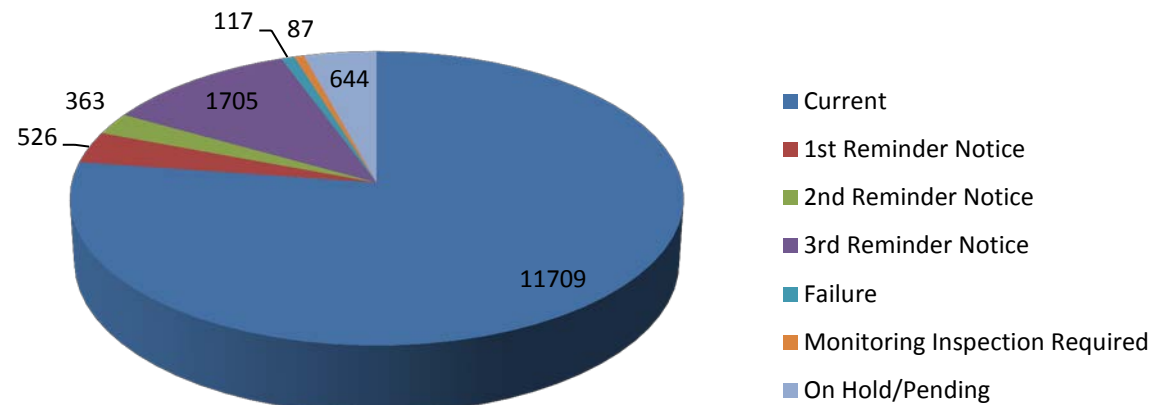


Summary of Activity: The Compliance team is responsible for enforcing the Onsite Wastewater Disposal Systems bylaw. According to the bylaw, septic tanks require an assessment every 5 years and aerated or alternative wastewater treatment systems are to be serviced as per the manufacturer's specifications. Council currently offers an inspection service to determine whether an extension under the bylaw can be granted.

RFS Received by Code



Onsite Wastewater Disposal Systems by Status



Highlights for the month (June 2016):

- 225% (+79) increase in queries relating to OSD systems received compared to previous month.
- 96% (-24) decrease in requests for inspections of OSD systems compared to previous month.
- 17% (2594) of OSD system owners in the district have been issued a reminder notice to have their systems serviced, the majority (66% or 1705) of which are at the final reminder notice stage.

Project Status Updates (June 2016):

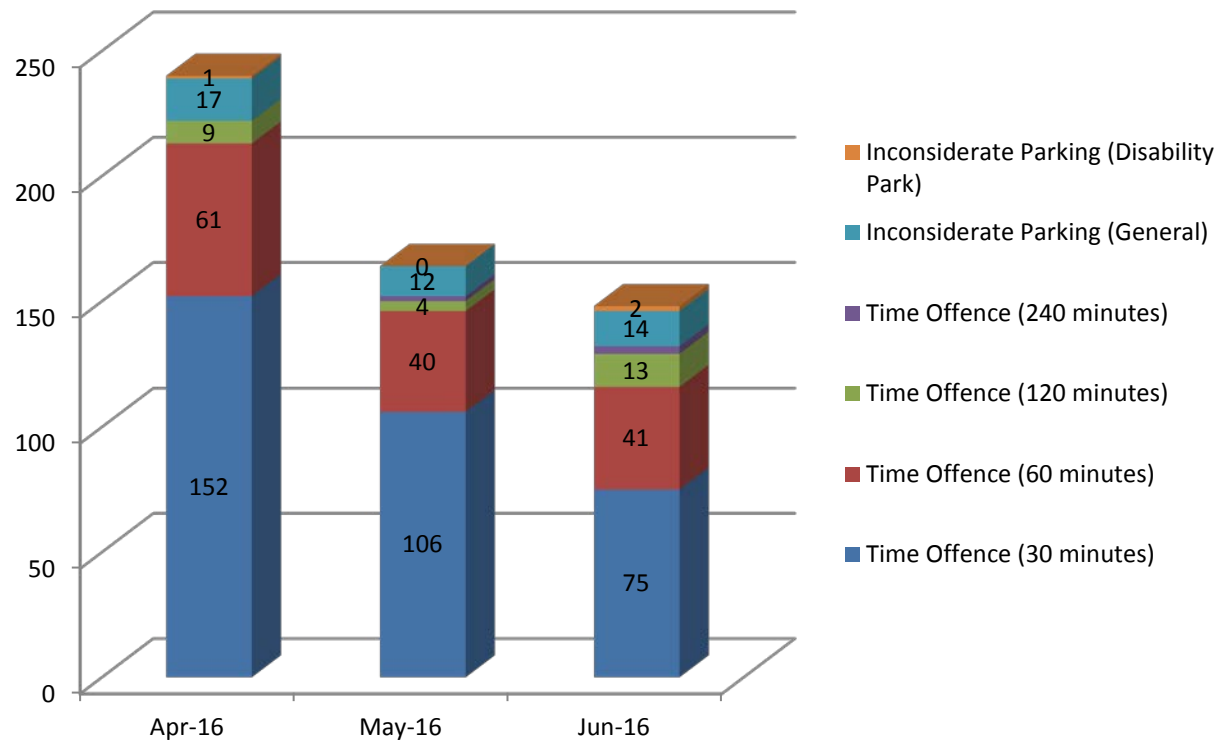
- *Overdue OSD servicing project* started to follow up on the 1705 OSD systems that are overdue for servicing, the oldest of which dates back to 2007. Follow up process has been finalised. Schedule has been finalised and properties in locality to waterways will be addressed first.

Compliance: Parking Enforcement (June 2016)



Summary of Activity: The Compliance team is responsible for enforcing parking restrictions throughout the District. There is one full-time parking warden that carries out this activity, primarily in the Paihia and Kerikeri area each week day. Other members of the Compliance team are multi-warranted and therefore able to enforce parking restrictions as well.

Parking Infringements Issued by Type



Highlights for the month (June 2016):

- 9% (-16) decrease in the number of parking infringements issued compared to previous month, which will be due to traffic flow reducing over the winter months.
- 29% (-31) decrease in the number of parking infringements issued for Time Offence (30 minutes) compared to previous month.
- Majority (98% or 146) of parking infringements issued are for time related offences as the parking warden has a travel routine and is able to monitor these types of offences compared to previous wardens.

MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016

Name of item: FEEDBACK FROM DISTRICT PLAN ENGAGEMENT AND
CONSULTATION

Author: Steven Sanson - Policy Planner

Date of report: 22 July 2016

Document number: A1749782

Executive Summary

The purpose of the report is to inform the Regulatory and Environment Committee about feedback received following the Place Planning 2016 consultation exercise with communities across the District as part of the District Plan review.

1) Background

Over the last six months, the District Plan team has undertaken a Place Planning consultation exercise with communities across our district. The purpose of this exercise was to better understand the range of issues, both positive and negative, associated with the operative Far North District Plan.

From November 2015 - June 2016, the District Plan team participated in:

- 8 local community events, such as Northland Field Days, A&P shows, and Waitangi Day
- 12 pop up shops throughout the district over 25 days
- 40 meetings with various stakeholders and individuals.

As a result, 100 pieces of written feedback and 580 electronic comments through our 'Put a Pin on It' website application were received. The feedback has been broadly assessed and the findings to date can be reported.

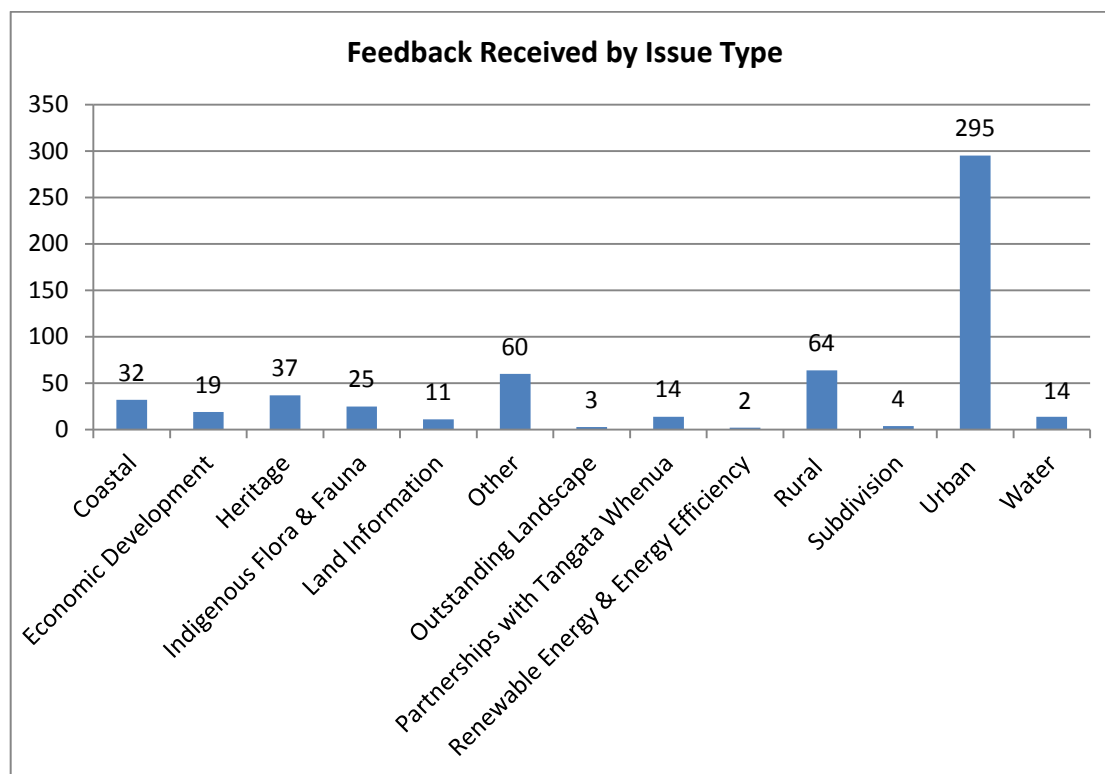
A key element of the engagement program still needs to be undertaken. From July 2016 to December 2016, Tangata Whenua will be engaged to better understand their issues with the operative District Plan.

2) Discussion and options

The 'Place Planning 2016: Post Consultation and Engagement Report' in **Attachment 1** provides a detailed summary of the issues submitted by Far North communities through the Place Planning exercise. This includes feedback received through the events, pop-up shops, meetings and information received through the 'Put a Pin on It' website application.

Refinement of data received through the 'Put a Pin on It' application is still in its early stages. So far the data has been categorised into issue type (see **Figure 1**).

Figure 1:



The majority of feedback received relates to 'Urban' issues. Examples of urban issues identified in the feedback include:

- urban access and connectivity
- urban infrastructure
- urban rezoning requests.

Examples of 'Rural' issues related to matters such as:

- Rural rezoning requests
- Significance of aggregate for the regional economy
- Protection of high quality and versatile soils.

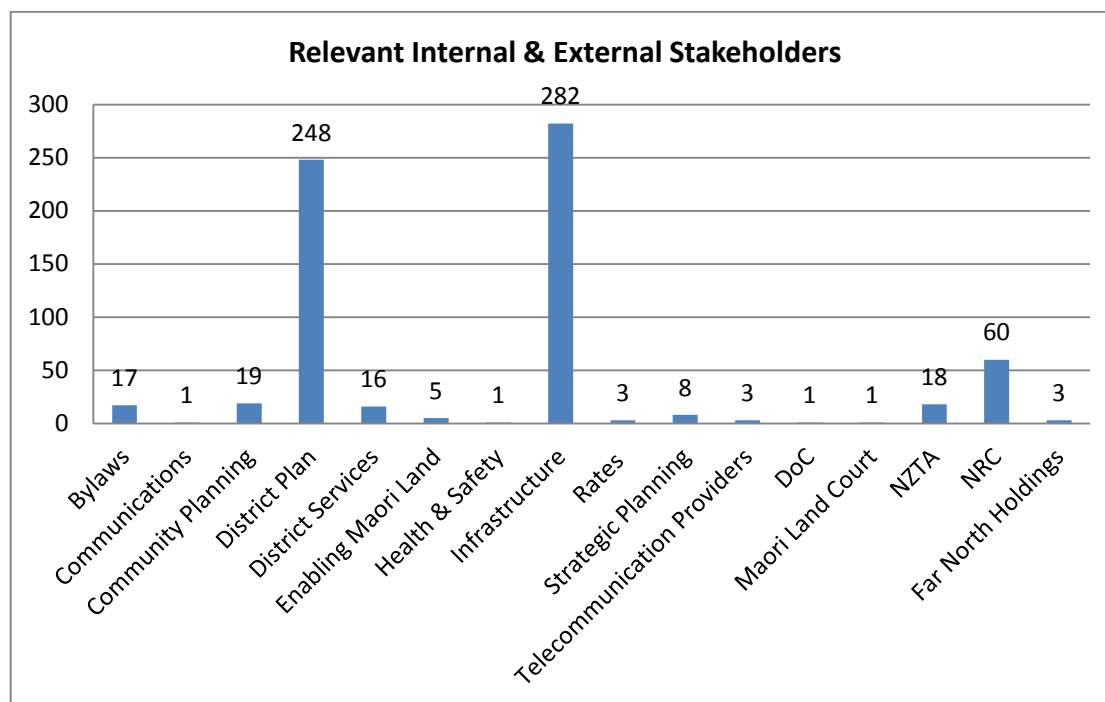
Examples of 'Other' issues related to matters such as:

- off-shore mining and drilling
- berm and verge maintenance; and dune restoration.

Further detailed responses can be found in Attachment 1.

As part of the further refinement process issues have been attributed to the relevant stakeholder(s). In other words, a number of the issues identified through this process were not necessarily relevant to the District Plan review process. Some were relevant to the infrastructure team, the Northland Regional Council or other bodies. **Figure 2** identifies the relevant internal and external stakeholders.

Figure 2:



The majority of feedback received relates to various arms of Council, mainly our Infrastructure and District Plan teams. A number of responses received also related to external agencies.

Next Steps

- (1) The information will be sent to those departments of Council which the feedback directly relates to. In some instances, where there has been an urgent need or request, they have already been informed. Examples include feedback relating to street lighting, roads and footpaths, and drainage clearing requests through the creation of Requests for Service.
- (2) Further refinement of the data will be undertaken to remove inaccuracies and errors and provide further insight into location based issues. The District Plan team will provide a web based response to the feedback received that can sit alongside the report (Attachment 1). We will ensure that all who participated and left their contact details will be made aware of the analysis.
- (3) The 'Put a Pin on It' application will be available for use. However, the pins will be a different color to represent any new information received from July 2016 onwards.

3) Financial implications and budgetary provision

The report is for information purposes and as such has no financial implication or the need for budgetary provision.

4) Reason for the recommendation

The report is to provide information to the Regulatory and Environment Committee Members.

General Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Place Planning 2016: Post Consultation and Engagement Report' - Document number A1760149

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Not applicable.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	Tangata whenua were present at a range of engagement events. As noted further engagement with tangata whenua will be occurring from July 2016 - December 2016.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Views and preferences were sought and included through the engagement events and exercises.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	No.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	The matter has both community and district wide relevance. Community Board members were invited and present at engagement events throughout the district.
Financial Implications and Budgetary Provision. Chief Financial Officer review.	There are no financial implications or the need for budgetary provision. The Chief Financial Officer has reviewed this report.



Let's plan *together*

Kia kotahi tātou ki te whakatakoto mahere

Place Planning 2016

Post Consultation & Engagement Report



Far North
District Council

July 2016

Post Consultation Report

Introduction

This document is the post consultation report following the District Plan team engagement and consultation on the Consolidated Review of the Far North District Plan, occurring from February – June 2016.

This report provides:

- A brief background to the broader consultation and engagement process;
- Specific details on methods of engagement and results;
- A summary of the views and issues expressed; and
- Identification of the relevant internal and external stakeholders who should be aware of the issues and views raised.

Background

As part of the Consolidated Review of the Far North District Plan the District Plan team has engaged with the district's communities through an exercise called 'Place Planning'. This involved members of the District Plan team and other council staff locating in a specific community for a fixed period of time to understand local issues with respect to the District Plan and any other matters that may be of concern.

Twelve place planning events took place over the period. The locations, dates and approximate number of attendees are listed in the table below.

Location	Date(s)	Number of Attendees
Opononi/Omapere	24 th -25 th February 2016	20
Mangonui/Doubtless Bay	9 th -10 th March 2016	20
Whatuwhiwhi	17 th -18 th March 2016	10
Kerikeri/Waipapa	22 nd -31 st March 2016 (Appointments from 4 th -29 th April)	100
Pukenui	14 th April 2016	8
Kaitaia/Ahipara	19 th -21 st April 2016	50
Kaikohe	10 th -12 th May 2016	20
Kaero	19 th May 2016	15
Paihia/Opua	30 th May 2016	25
Kawakawa/Moerewa	1 st June 2016	15
Russell	9 th -10 th June 2016	40
Rawene	14 th June 2016	24

Methods of Engagement

The primary method of engagement with respect to the Place Planning events is face to face, however where members of the public were not able to make the event the following avenues were available:

- The website 'letsplanttogether.org.nz' which describes the review process and provides further opportunity for feedback through its 'put a pin on it' application and email processes;
- Social media particularly through Facebook;
- Traditional media releases; and
- Responding to targeted questions at the venue and through place planning invitations.

Summary of Issues – Opononi/Omapere

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant and any necessary action points.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Urban Growth Management:</p> <ul style="list-style-type: none"> • Various transport related issues including parking and access surrounding the waterfront, particularly the boat ramp. Also various speed and safety issues around this area and its integration with the State Highway. • Guaranteeing levels of service inside current area of benefit with respect to water, wastewater, and stormwater to current and future development before extending outside these areas. • Improve and secure current water supply. Do not rely on streams in other catchments and community utilities, emphasis on water tanks. • Each house should capture their own water with benefits in reduced rates. The costs and process for subdivision should be simpler. Council should actively encourage composting toilets, provide adequate services, promote diverse and cheaper housing choices to retain and attract inhabitants, seal more roads and encourage less absentee landowners. • Good quality housing is important for health and wellbeing, however there needs to be less red tape and costs. Planning rules such as impervious surfaces need to be reviewed. <p>b) Heritage:</p> <ul style="list-style-type: none"> • Funding to fix and maintain sites of cultural significance to Maori i.e monument at Whiria. Also concerns regarding lack of cemetery space due to sea inundation. • Protection of Norfolk Pine at 4 Square, kerb road outside 4 Square to protect tree roots, and consider age of trees when assessing importance for notable trees. • National significance of Opo the Dolphin. Needs further recognition and protection in the Hokianga. • Connections and recognition of Chinese boat sinking in north Hokianga. Story needs to be told. <p>c) Coastal Protection</p> <ul style="list-style-type: none"> • Seawall and armouring around inner harbour is required to prevent erosion. • Impact of boat ramps on receiving environment through erosion of beaches. • Proposed school in Koutu Point creates potential for further increased coastal development. Lot sizes for coastal subdivision are too large. Lot sizes need to be reviewed to cater for appropriate development. • Holiday homes in Koutu Point being advertised for far too many people, sewerage systems not coping and wastewater leaching into ocean. • Appropriateness of development in Koutu Point, particularly with respect to wastewater infrastructure and future development given primary school consent. • Concerns over unlawful use of Council road reserve in Koutu Point. Community playground proposed in Coastal Living Zone – potential for rezoning to recreation. • Foreshore erosion on Maori land. Issues with coastal erosion/subsidence and whether or not Queens Chain moves onto private land in these instances. <p>d) Indigenous Flora and Fauna</p> <ul style="list-style-type: none"> • Greater pest and weed eradication required from Council. • Vegetation on sand dunes reducing natural sand dune movement. Request removal of vegetation on sand dune. 	<ul style="list-style-type: none"> • District Planning • Infrastructure and Asset Management • NZTA • Customer Services

e) Rural Sustainability

- For farming dry stock at least 1,000 acres required to be viable.
- Support community planning, particularly the eco-village concept. Mentioned Rawene Motor Camp as model (late 60's-70's)

f) Partnerships with Tangata Whenua

- Cultural centre in the area and appropriate zoning to facilitate activity.
- Cultural landscape from Whiria (Pakanae) to sand dunes, including various wahi tapu and pre-European context with specific sites that should be protected;
- Various access and speed related issues in close proximity to Marae and wahi tapu sites. Particular problems when funeral/tangi are occurring. Overspill of cars onto State Highway network.

g) Other:

- Feedback required from Council when RFS' are lodged and constant communication regarding the RFS' status.
- Reduce bureaucracy, rates, and Council costs/fees.
- Questions regarding rates being payable on registered wetlands.
- Retaining wall erosion in Rakautapu Road after heavy rainfall. Drain cleaning required.
- Capacity of local dam is limited. Constantly filled by gravel that needs to be excavated regularly/maintained. Potential to use gravel for reclamation on harbour areas which will also reduce gravel intrusion in to water.

Summary of Issues – Mangonui/Doubtless Bay

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Urban Growth Management</p> <ul style="list-style-type: none"> • Potential for land reclamation in the area to provide greater economic development for Mangonui in the form of increased parking, shops and cafes. It will also remove the terrain constraints. • Increased parking for boats and vehicles. • Seek low impact design solutions for urban / coastal stormwater. • Residential houses being used as tourist accommodation providing unfair competition to regulated commercial accommodation providers. This has removed longer term rentals for short term rentals. These properties should be let on an even footing to the main commercial providers (Air BnB). • Consideration of closing local roads along beaches and replacing these with finger point access to the beach at few locations to open up areas to pedestrian traffic and increase utility through greater exposure. • More rubbish bins required at Mangonui freedom camping spot. • Lighting along Waterfront Drive. • Upgrade of Taipa Bridge. • Land use options in Taipa. Bring back camp ground as a potential use. Rates burden too high to run efficiently. • Potential for retirement village in Coopers Beach. Council to enable development through rates relief. • Coopers Beach needs to join the I-Site network to improve tourism enterprise potential. The Doubtless Bay Tourist Information Centre is voluntary and requires funding to ensure viability. • Coastal walkways are desirable in this area and particular emphasis should be on a walkway from Mangonui to Coopers Beach. • Rezoning to match infrastructure and subdivision developed since last Plan process. • Serious drainage and flooding issues. Stormwater system not maintained, full of wild ginger. • No/poor internet and phone reception. • Volunteer information centre should be funded by Council to become a proper I-site. Would enhance tourism potential in the area. • Better connectivity and access around Mangonui and Coopers Beach required. Potential for retirement living in this area but requires associated infrastructure. • Plan provisions should support and encourage eco-tourism opportunities. <p>b) Indigenous Flora and Fauna</p> <ul style="list-style-type: none"> • There are significant mature Pohutukawa Trees throughout the area that need greater protection. There is also a large remnant forest of Taraire and Kahikatea trees that rely on the local water table being maintained. • Taupo Bay harbours endangered native seabirds. The dog prohibition area that exists needs to be extended. <p>c) Coastal Protection</p> <ul style="list-style-type: none"> • Seek an alternative State Highway route to minimise heavy vehicle movements and reduce vulnerability to coastal hazards. 	<ul style="list-style-type: none"> • District Planning • Infrastructure and Asset Management

<p>Engineering structures must be compatible with coastal and sensitive landscapes.</p> <ul style="list-style-type: none"> • Rates making traditional farming practices (dairy, beef, sheep) uneconomical. Has led to a range of coastal subdivision and holiday/lifestyle development. High value development has impacts on school decile rating. • The marine area around Stephenson Island needs protection from any form of aquaculture development. Reemphasise the Island and Taupo Bay as significant natural landscape areas. • Greater building height restrictions on residential property in the coastal environments and also restrictions on the use of mirror glass or similar high reflection materials. • Reserves in Taupo Bay need to be clearly protected as open space passive recreation reserves. Plan needs to be amended so that no buildings for ancillary public use can be established. Replacement of existing ablution blocks only. <p>d) Rural Sustainability:</p> <ul style="list-style-type: none"> • Compliance status of Taipa wastewater system. Needs to be addressed. • Level of service of Taipa waste transfer station. Service far worse than previous provider. • Better stormwater management on gravel roads – gravel washed away in storms. • Aggregate is a significant for the regional economy. A sustainable supply of aggregate is vital for growth and maintenance of community infrastructure. Quarries should remain protected from reverse-sensitivity under planning rules. <p>e) Heritage:</p> <ul style="list-style-type: none"> • Particular heritage buildings need maintenance and upgrading as they are in a poor condition. 	
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Summary of Issues - Whatuwhiwhi

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Coastal Protection</p> <ul style="list-style-type: none"> • Height restrictions on buildings in all zones to protect established views. • Provisions for alternative energy sources (solar) in the General Coastal Zone. • Built development creating greater coastal flooding effects • Coastal Living subdivision standards are too liberal. Need to be tightened up especially for restricted discretionary and discretionary standards. • Puheke Beach and the inland coastal surrounds should be designated as a significant natural landscape and established as an eco-reserve with restrictions on land use and subdivision. • Coastal lot sizes and rating impact in coastal areas make farming uneconomic, leading to a need to subdivide and lifestyle blocks. A lot of General Coastal areas should be rezoned to Coastal Living to enable development and protect native vegetation. • Erosion of sand dunes from vehicular activity. • Wetland development in coastal areas. • Managed retreat and flooding issues. <p>b) Rural Sustainability</p> <ul style="list-style-type: none"> • Rezoning land from Rural Production to Coastal Living in certain areas to enable greater development. • Converting land to farming typically requires substantial vegetation removal. These areas could be protected and enhanced through dual protection and lifestyle measures. • Range of safety issues with particular intersections. • Potential airstrip for Carrington development and associated impacts of such a development to locals in terms of noise and traffic. <p>c) Urban Growth Management</p> <ul style="list-style-type: none"> • General impacts from potential Carrington development in terms of wastewater, stormwater and water provision. • Lawn mowing of Council reserves and community halls. Needs to be done on a more regular basis • More footpaths in the Karikari area. • Drainage issues along Whatuwhiwhi road. These require regular clean outs to stop blockages. Also potential fire hazard when left unattended in summer. • Telecommunication infrastructure should not be a permitted activity. Notification of this infrastructure should be notified to local residents who have local knowledge of areas and can provide more suitable alternative locations. 	<ul style="list-style-type: none"> • Infrastructure and Asset Management • Community Planning • District Planning

Summary of Issues – Kerikeri/Waipapa

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant and any necessary action points.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Rural Sustainability</p> <ul style="list-style-type: none"> • Concerns with mining operation near Matauri Bay and its potential impact on freshwater. • Potential road connection between Waipapa and Kapiro Road. May lead to better connectivity with Te Tii. Also facilitate subdivision. • Need to constrain industrial development to Industrial Zones. • Restricting commercial and industrial development in rural areas. • Alternative sewerage choices and better transportation linkages at time of subdivision are required in rural areas. • Rural Production sites along Waipapa Road should be up-zoned to Rural Living. • Development near orchards has implications in terms of spraying. • Sites along Waipapa Road ideally suited for intensification. They are close to proposed school site and have easy access to Waipapa and Kerikeri. • Protecting versatile soils from encroaching lifestyle living. • Influence of the school zone and irrigation on subdivision, housing and price in and around Kerikeri. • Connections to irrigation provide more choices re subdivision. • Horticulture viability and land size a moving target. For example some years land size can be 1ha and viable. • Newer technology with respect to wastewater treatment means that lot sizes can be smaller than that currently provided for the District Plan...primarily in the rural and coastal living areas. • Water tank requirement to fight fires are unreasonable. • Identify rural fire risk areas or hotspots. • Rural Living subdivision – costs of utilities i.e communications and electricity. • Spread of commercial and industrial activities to the south of Waipapa in Rural Production land. • Kapiro road as urban limit for growth of Kerikeri. • Kiwi zones, mixed review. Some people like the idea, others would like to have cats and dogs in their subdivision. <p>b) Urban Growth Management</p> <ul style="list-style-type: none"> • Too many dead ends in Kerikeri. Need to join up more roads and provide more options for traffic. Limited bypass options. • Various complaints relating to one way system and central roundabout. • Relocating land uses to more appropriate areas in town. • Sports field and other recreational facilities being promoted at various locations. • Council encouraging greater housing choice. • Gateway of Kerikeri becoming unattractive. Must implement landscaping provisions. Need to avoid ribbon development on arterials and highways. 	<ul style="list-style-type: none"> • Infrastructure and Asset Management • Community Planning • District Planning

- Potential for shared space arrangement for road and pedestrian users along Kerikeri Road.
- Multiple potential residential growth locations in and around Kerikeri.
- To pedestrianize and make more accessible areas in and around Kerikeri.
- Focus on central Kerikeri through urban renewal programme – pedestrian and café focus. More pedestrian crossings required or pedestrian to have right of way over vehicles.
- Expansion of town away from irrigation scheme onto poorer soils. Better connect Waipapa and Kerikeri Township.
- Inclusion of Riverview in reticulation scheme and the area being re-zoned to residential to cater to population growth.
- Expanding the Commercial Zone to match current commercial land uses and extend urban infrastructure. Create a better profile for desired future roading connections.
- Council should investigate taking treated water from on-site systems in urban areas. Promote infill development while also recouping costs of reticulation network.
- Private wastewater systems can reduce pressure on Council reticulated services. They should be encouraged where Council cannot yet reticulate, but may reticulate in the future.
- Greater understanding required between rating and land use development. Rates in commercial areas are disabling development in town centres. Rate increases are passed on and lead to higher leases for businesses.
- Kerikeri needs a uniformed street frontage that represents its heritage and village town theme. This could be represented through uniform verandahs and facades. Incentivise through reduced consenting costs or otherwise.
- Delineation of Industrial Zone into light and heavy industrial. Provide greater specificity of what uses can occur in these areas.
- Despite commercial providing for residential activity, not really recognised and more visibility needs to be given to this opportunity, may be in the form of a mixed use zone in certain locations.
- What are the roles of Kerikeri vs Waipapa...uses should complement each other as oppose to competing.
- Parking is becoming an issue in Kerikeri...how will this be addressed with growth.
- Golf course appropriate location for residential development?
- Rezoning at Waipapa to reflect current uses. What will future Waipapa look like?
- Infrastructure at Waipapa not up to standard.
- Intensive residential development (200m²), apartments, townhouses – are these the future housing options for Kerikeri?
- Sunlight rule – link to north/south orientation. At present not really a sunlight rule – more a height to boundary rule.
- Mill Lane – conversion to residential uses – transfer land near airport.
- Need different standards between Commercial and Industrial zones.
- Roundabout in Waipapa required.
- Connectivity from SH10 to Kerikeri Road, through the back of Blue Gum or Golf Course.

c) Coastal Protection

- Improving the water quality of Kerikeri Inlet, particularly by Waipapa Landing and the Stone Store basin.
- Developing an oriental parade style beach front recreation area in Stone Store area
- Removal of South Kerikeri Inlet Zone and replace area with Coastal Living Zone.
- Permitted activity height levels to high. They can easily block established views.
- Access to coastal areas in an around Kerikeri.
- Walkway developments around Kerikeri – linking up to established tracks.
- Visual amenity rule – does rule apply when the building in question cannot be seen from public location? Why?

d) Partnerships with Tangata Whenua

- Lack of proper consultation with local hapu.

e) Indigenous Flora and Fauna

- Prevention of cats, dogs, and mustelids needs to continue to prevent killing of kiwi.
- Potential notable tree inclusions into the District Plan
- Greater use of Bylaws to protect biodiversity.

f) Other:

- Improved access between Kerikeri and Paihia.
- Improved access to all beaches in the area.
- Main entrance amenity – roundabout full of weeds and overgrowth.
- Rooding congestion and health and safety implications in town centre.
- Requests for road sealing.
- Amenity issues with water tanks on top of summits/hills.
- Potential illegal buildings.
- Water and wastewater improvements to enable growth.
- Doves Bay Marina crowded and congested. Need new boat ramps and marinas.
- Requests for up-zoning to allow increased density development.
- Improved cycling connections and access throughout area but in particular Waitangi and Puketi Forest.
- Increased footpaths along Kerikeri Road.
- Improving access to waterbodies.
- Potential link between Rainbow Falls to Kerikeri centre through golf course/Puketotara stream. Provides greater circular access.
- Stormwater grates parallel to road causing potential hazard for cyclists.
- Need to investigate alternate route into Kerikeri, possibly through Cottle Hill Rd.

Summary of Issues - Pukenui

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Coastal Protection</p> <ul style="list-style-type: none"> • Recognising the distinct qualities of Henderson Bay – local ecology, historic sites, and amenity. Favour conservation over development. • Current lot size thresholds for General Coastal Zone are appropriate. • Council protecting houses from coastal inundation. Council should enable coastal protection structures. • Siltation of the harbour and mangroves. • Commercial fishing and the impacts/pressure on fish stocks, recreational fishing and tourism. • Erosion along waterfront, Armouring and walkway required which may necessitate reclamation along Waterfront Road. • Climate change risks have to be considered before rezoning/subdividing low lying land. • Ribbon development along the coast is not ideal. Costs of expanding services are expensive to small communities. <p>b) Rural Sustainability</p> <ul style="list-style-type: none"> • Water security – an aquifer services market gardening, horticulture and agriculture. Its use is threatened by over use, salination, contamination from wastewater soakage, and extraction for other catchments. • Suspected that aquifer is recharged by seawater. • Due to local geomorphology and free draining silica sand top soils encountering a sandstone pan, wastewater does not receive adequate treatment during onsite soakage and could be leaching into the aquifer or draining laterally into surface water. Potential solution in a combined on-site and reticulated wastewater system where solids are retained in septic tanks and regularly pumped out and liquid effluent is reticulated to municipal treatment. • Council has a role to play in assisting residents of Te Kao to obtain potable water. • Plantation forestry creates a microclimate and also draws on, and cause changes to the water table. For example, juvenile trees use 10L/day and adult trees use 150L/day. • Council to take over Hukatere Road. Community want this for legal emergency access to 90 Mile Beach. Whalers and Hukatere Road to be assessed by an engineer as there is a sinkhole, underground river and eroding slip toe, causing subsidence and slips on Whalers Road. • In terms of lot sizes, be careful not to make lifestyle blocks too big and waste productive land. • Limited Access Roads and speeds along State Highway 1 are inhibiting infill development. Slower speeds i.e 60km-70km/h would be ideal – similar to Coopers Beach. • Lot sizes need to be large enough to adequately treat wastewater to local conditions. 	<ul style="list-style-type: none"> • District Planning; • Infrastructure and Asset Management – Roading

<p>c) Other</p> <ul style="list-style-type: none"> • Poor infrastructure. Rubbish collecting not adequate. • Increases in tourist numbers. • Specific drainage issues on Waterfront Road. • Henderson Bay freedom camping – landowners provide service – happy for it to remain as they can control it/manage it. Use of paddocks on a per night basis. They prefer activity located on private land as there is poor rubbish collection on public land. 	
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Summary of Issues – Kaitaia/Ahipara

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Urban Growth Management</p> <ul style="list-style-type: none"> • Various lighting issues at pedestrian crossings. • Having more user friendly parks. Created for all ages. • Plan provisions for safe pedestrian access need to be included. Poor connectivity and walkability around North Park. Urban design considerations required for large retail developments. • Open drains in Kaitaia residential area need to be closed up. • More residentially zoned areas for future growth. • Potential for foot mall/plaza to enhance the town centre. • PaknSave site needs to be focussed on. Provides public car parking but is private land. If this was to be removed there would be a strain on main street parking. The space has the potential for various uses including night markets. • Need for more housing and job opportunities in central Kaitaia. Reduce travel from remote areas and enhance inner town centre. • Telecommunications rules as part of subdivisions proposals. Needs to reflect changing telecommunications technology. Plan requires infrastructure to boundaries, although wireless technology can make copper connections redundant. • More financial incentives for recycling. • Commercial drift to north Kaitaia Industrial areas. Walkability decreased as a result. <p>b) Rural Sustainability:</p> <ul style="list-style-type: none"> • Protecting aggregate quarries from reverse sensitivity effects. • Potential rezoning areas in Kaitaia area from Rural Production to Rural Living to promote growth in the area. Need for smaller lifestyle blocks that are attractive to the market. • Impermeable surface rule issues with gravel driveways. Often driveways take up most allowance and increase costs of development. An alternative solution is required. • 2ha lot size for Rural Production zone not productive and too small. Only real option is further subdivision which is non-complying. • Regulation for honey industry. There are tensions in honey industry; various sabotage attempts both successful and unsuccessful. Need to manage effects, setbacks from boundaries as a potential Council tool in terms of location/placement of hives Bylaw. Health and safety imperatives under the RMA. <p>c) Coastal Protection:</p> <ul style="list-style-type: none"> • Flood hazard rules should relate to different types of development that can occur. For example is it hazardous to life, buildings, 	<ul style="list-style-type: none"> • District Planning • Infrastructure and Asset Management • District Facilities

<p>waste disposal.</p> <ul style="list-style-type: none"> • Easy process for land owners to get approval under the Visual Amenity rule. Use of a LRV control as opposed to a specific paint palette. <p>d) Other:</p> <ul style="list-style-type: none"> • Cleaning Awanui River of litter. • District Plan firefighting provisions. Typically require 45,000L for firefighting supply which cannot be touched for other uses. May be better for burden to be shared by multiple properties. • Various zoning requests based on character and access to services. 	
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Summary of Issues - Kaikohe

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Indigenous Flora & Fauna</p> <ul style="list-style-type: none"> • Pest plants being both a fire hazard and ecological risk to native species. Mothplant for example is a huge risk. • Not enough monitoring and enforcement of sites which contain noxious weeds. • Roading contractors have a role to play in spraying roadside berms. So too do reserve and park contractors. More needs to be done. • Use of a bylaw to reduce fire hazard risk. • Greater awareness and education of noxious weeds needs to be undertaken. Brochures and posters should be sent out with rates notices. <p>b) Heritage</p> <ul style="list-style-type: none"> • Implementation of rules relating to Notable Trees in terms of needing an arborist who is a member of the New Zealand Arboricultural Association. Cost increases and delays because of lack of specialist in Far North. 	<ul style="list-style-type: none"> • District Planning • Infrastructure and Asset Management

- Various requests for removal of certain notable trees.

c) Rural Sustainability

- Vision required for small communities which differ across the district. Generic Rural Production zone does not help in recognising these differences. This zone needs to be looked at in more detail to enable cottage industries, but also minimise compliance costs in areas of great deprivation. These compliance costs can represent a make or break situation for many fledging businesses but are also significant for community social and health providers.
- Need to look at alternative zoning arrangements for rural communities.
- Various pros and cons associated with package treatment plants that enable residential intensity. Maintenance costs can be extremely costly.
- Water storage extremely important for drought resilience, firefighting, and intensive productive uses. Water storage tanks should be compulsory as a bare minimum. With respect to Kaikohe and surrounds, there is a vast amount of quality land but limited water availability.
- Dam in Mangamuka's could gravity feed many residences with water. Lake Omapere could also be raised for irrigation purposes and potentially feed into any proposed development activities associated with Ngawha.
- Council needs to work better with community service providers, particularly in poor rural communities. Reduce risk of Council and enhance resilience. For example the provision of water is a key area where Council can work with health providers to increase outcomes and reduce impacts of poor water quality.

d) Urban Growth Management

- Water storage extremely important for drought resilience and firefighting,
- Northland College and potential Ngawha geothermal developments can be a game-changer for Kaikohe.
- Continue to enable diversity in businesses as opposed to relying on one large industry or business.
- Footpaths in Ohaeawai. Better contact needs to be made with the Ohaeawai-Taiamai Residents Association. They would prefer that these are extended as opposed to simply replaced. A key example is extended the footpath to the local pre-school on the State Highway.
- Speed limit of State Highway not appropriate. Council needs to advocate and voice concerns of residents more.
- Traffic noise is a concern – 'no engine braking' signs required.
- No water supply for fire trucks. Ohaeawai Residents Association considering installing water tanks at rugby club. Community grant scheme very important for projects such as this.
- Support for trial bus service in mid north.
- Water availability under old rubbish dump and various other areas in Kaikohe.

e) Partnerships with Tangata Whenua

- There is an increasing trend of Maori leaving Auckland and wanting to settle on ancestral Maori land. Papakainga provisions and development needs to be enabled for these people.
- Like community service providers, hapu and marae may also have the expertise and structures to promote community based infrastructure such as solar power, water and wastewater.
- Maori tourism ventures – Pa site on old dump site and alternative sites. Hone Heke reserve as alternative – tourist potential hooking up with cycle way and good views.

f) Renewable Energy and Energy Efficiency

- Bio fuel opportunities on old dump site in Kaikohe. Use methane and provide power to local residents or businesses.

g) Other

- Improving Old Bay Road or create a new and improve connection between Kerikeri and Kaikohe.

Summary of Issues – Kaeo

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Hazards</p> <ul style="list-style-type: none"> • Unstable land in Totara North - land slip as evidence. A number of small holiday homes in area subject to drainage problems. Risk to these properties may be increased from previous slip. • More thought needs to be put into the type of development allowed in flood areas. • NRC flood work being undertaken to reduce risks beneficial to community. <p>b) Heritage</p> <ul style="list-style-type: none"> • Removal and/or destruction of heritage building 222, known as the Totara North sawmill. <p>c) Partnerships with Tangata Whenua</p>	<ul style="list-style-type: none"> • District Planning • Infrastructure and Asset Management

- Interest in sites of cultural significance and process used in previous district plan creation. Also potential for the creation of a hapu management plan in the Kaeo/Whangaroa area.
- Water concerns are unilateral and there should be no special consideration of its use for any particular sector.
- Concerns over size of lots for papakainga housing. Previous allowance of 1,000m² per shareholder. Larger requirements of 3,000m² by Council limit shareholders.
- Relationships with Te Rarawa. A number of specific projects in the area i.e Kohanga reo, however no appropriate sites.

d) Urban Growth Management

- Interface between Residential and Rural Production Zone. Potential for reverse sensitivity effects particularly with respect to noise and the lack of notional boundary consideration. Large scale facilities have the greatest potential to affect established activities.
- Range of tourism opportunities in Totara North
- Urban redevelopment of old hotels and other potential uses that can occur.
- Various requests to stay updated with respect to rezoning matters in Whangaroa.
- Various locations considered appropriate for restaurants and tourism facilities
- Interest in tourism based land uses that take into consideration context of Whangaroa/Kaeo area, particularly aesthetic qualities and views of harbour. Land uses include B&B's and restaurants.
- Cycleways and ability to cycle in and around area positive, particularly for tourists.
- View that local communities need to create their own opportunities in terms of economic growth and employment.
- Accessibility and usability of local footpaths. Footpath opposite 4 Square, near bridge, a prime example. Not fit for purpose.
- Audit of conservation and recreation land required.

e) Coastal Protection

- Issues with the coastal environment zoning produced from the Regional Council. Issues with its extent and its potential impact on rates into the future.
- Impacts of sea level rise and associated flooding and inundation issues.
- Improving access for all to beaches.
- Large scale subdivision on clay based soil. Impact of wastewater systems on local waterways.
- Dune restoration and controlled access to beaches.
- Flooding of Tauranga Bay Road between intersection and one-lane bridge.
- Managing coastal subdivision in and around east coast hotspot beaches i.e Matauri Bay, Taupo Bay.

f) Rural Sustainability

- Concerns over China Clay mining operation in Matauri Bay. Impact on waterways and questions regarding monitoring and enforcement.
- Various roading issues.

g) Other

- Various roading, pedestrian and cycling issues,
- Requests for barbeque facilities near picnic tables at Tauranga Bay Reserve.
- Access to high speed broadband network.
- Better enforcement of dog control and no camping policies/bylaw at Tauranga Bay Reserve.

Summary of Issues – Paihia/Opua

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Urban Growth Management</p> <ul style="list-style-type: none"> • Traffic hazards during summer periods. • Parking issues. Potential area for carpark building and bus areas. • Rezoning requests. • Earthworks needed to cut back bluff and allow safe cycle and pedestrian access. • Signage at gateway locations identifying a cycle friendly town. • Parking requirements exempt for those over 65. Works in Whangarei, must still abide by time limits but not required to pay. Also request for Council to develop systems so that local ratepayers can park in area for free. • Relocation of school to make room for intensive tourist development and parking. Plenty of space for school in Haruru. 	<ul style="list-style-type: none"> • District Planning • Infrastructure and Asset Management

- Opportunities for dog walking.
- Establish bus route between Haruru falls and Paihia.
- Housing is better provided for in Haruru. Less coastal hazards and more flat land.
- Removal of height limits in Paihia. It is a commercial tourism hub.
- Commercial height limits should stay the same. Loophole in rolling height method that can lead to perverse outcomes. Definition needs to be looked at. Natural amphitheatre may be able to accommodate height with little visual effect.
- Greater walking and cycling connections and improvements between Waitangi and Paihia.
- Wider footpaths at Tii Beach. Allows for safer walking and cycling and allow for angle parking if required. Major safety risk for tourists who walk the road and are used to European road rules.
- Recycling system is deficient. Need to upgrade facilities at the depot outside Paihia to promote recycling opportunities.
- Safety concerns with the helipad. A tall glass barrier should be installed to prevent any potential health and safety disasters.
- Speeds on the State Highway entering Haruru. Should be located to provide safe access to Haruru and Watea.
- Carparking should be free and not be paying Far North Holdings to lease carparks and toilets.
- Public space on wharf being restricted by commercial use. Focus Paihia getting their way at the cost of ratepayers.
- Noise issues related to street market. Shouldn't be allowed every Friday night.
- Traffic calming measures are needed at certain locations.
- Paihia bypass required. Traffic issues for heavy vehicles that need to come through Paihia, particularly in Summer. Road can open up development opportunities and also make water provision easier.
- Requests for pedestrian crossings and removal of passing lanes.
- Odour from wastewater plant.
- Potential for angled parking at Bayview road.
- Enable a mix of uses in the commercial areas. More thought needed with respect to how those activities can work together with respect to noise and parking.
- Playground area required in Opuā, nearest playground is in Kawakawa/Paihia which is too far away.
- Break water required to reduce effects of waves and promote marina development.
- Opuā – high risk area for fire – dwellings built in to natural landscape.
- Colenzo triangle development and further development to complement expanding Opuā facilities.
- Wharf and breakwater development at Paihia. Good potential to change outlook of town.
- Potential for special zone or masterplan approach for Opuā. Manage all effects of intermingling uses – residential, marine, and industrial.

b) Coastal Protection

- Coastal erosion an issue on part of beach. Stormwater drains have exacerbated the problem.
- Inadequate parking at boat ramps.
- Retention of view shafts by limiting building heights.

c) Indigenous Flora and Fauna

- Issues with domestic cats and their impact on native fauna.
- Pests and weeds are present around bluff area and also on Council parks and reserves. Better weed control required to reduce their impacts.
- Community groups keen to participate in pest control on private and public land.

d) Other

- Identification of potential illegal buildings.
- Location of bus depot.

<ul style="list-style-type: none"> • Freedom campers using particular areas where there. • Concerns regarding the quality of streetscape furniture. • Liquor licensing and alfresco dining should be promoted in the park area. • Requests to remove graffiti. • Interest in cycleway and safety of cyclists. • Interest in one way system for Paihia. • More bus stops needed for tourists in Paihia. • Dogs allowed on beach and safety for children. • Causeway road link could have been investigated instead of walkway/cycle link. • Antisocial behaviour on beaches that disturb local residents. • Further links for walking and cycling. 	
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Summary of Issues – Kawakawa/Moerewa

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
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a) Hazards

- Forestry uses have changed catchment water flows and patterns. Flooding in Kawakawa and Moerewa risk areas for civil defence. There are also associated sewerage issues when flooding occurs.

b) Urban Growth Management

- Street lighting issues on various streets that adds to crime and lack of safety. Needs to be staggered across road not down one side.
- Motorbikes used along the cycleway. Breaking wooden barriers and bolt cutting chains. Metal barriers need to be installed to stop this.
- Limited flood protection works. Regular flooding every winter that isolates community. Bridge in Moerewa a particular pinch point that needs to be addressed.
- Sagging power lines that create safety issues for large trucks.
- Flooding as a result poorly maintained drains.
- Poor visibility of pedestrian crossing. Makes crossing dangerous for residents, especially for children.
- Excessive speeding by vehicles on numerous streets. Physical speed deterrents needed to solve problem.
- Providing parking on small and awkward sites. Council needs to look at alternatives for parking that make development unfeasible. Financial contributions in lieu of parking still exist in District Plan this should be initiated instead of resource consent.
- Potential location for bus companies to park and drop off/pick up people (near Kawakawa Bowls Club). Toilet facilities and adequate turning bay available and better pedestrian access over the bridge into town.
- Various requests for road repairs. Paper roads often used to evade police. Community wish to use these roads for bike tracks.
- Gateway signage required in Moerewa.
- Further pedestrian crossing on SH1.
- Lack of town parking impacting on economic growth and sustainability of businesses.
- Poor drainage and stormwater system in Moerewa adds to flooding issues.
- Parking area at rear of buildings needs to be highlighted to buses and cars. Access lane is not sufficient for large vehicles and access is very difficult. Limited use with current access arrangement.
- Footpaths required in various locations.
- Safety issues with pedestrian crossings reduce walking and cycling. Parents dropping kids off at school when they could walk/cycle because of safety concerns.
- Turntable Hill roading issues and timeframes for completion.
- Speed limit requests along State Highway. Require lower limits.
- Better connectivity between cycle trail locations in Kawakawa.
- Potential bylaw to require shading in development applications – particularly those relating to car parks, public areas and schools.
- Lack of berm maintenance in particular streets.
- Bypass option to get rid of heavy vehicles through the main street of Kawakawa.
- Antiquated sewage systems in Moerewa that suffer systemic failure in large rain events.

c) Rural Sustainability

- Private erosion control needed. Council should provide grants for this purpose.
- Rural dust issues.

d) Indigenous Flora and Fauna

- Issues with domestic cats and their impact on native fauna.
- Pests and weeds are present around bluff area and also on Council parks and reserves. Better weed control required to reduce

- District Planning
- Infrastructure and Asset Management

<p>their impacts.</p> <ul style="list-style-type: none"> • Community groups keen to participate in pest control on private and public land. <p>e) Other</p> <ul style="list-style-type: none"> • Identification of illegal dumping area. • Reinstating development contributions so that developers pay their fair share. • Better control of dogs. They typically roam streets and create health and safety issues. • With respect to roading, more vegetation clearance provided. • Broadband and telephone limitations in terms of availability. • Mining activities listed on titles and how these impact the land in question. • Further development of playground for community and tourists. • Changes in address for residential of Matawaia Road. 	
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Summary of Issues - Russell

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

Issues and Responses

Relevant Department(s)

a) Partnerships with Tangata Whenua

- Various archaeological sites of significance to Maori in area, including sacred whanau & hapu burial ground. These need recognition and protection through mapping and associated provisions.
- Lack of proper consultation with local hapu.
- Issues with scale of development near Oke Bay Lodge. In close proximity to a wahi tapu accessway which is culturally significant.

b) Urban Growth Management

- Street lighting needs to be of a low reflectivity level. Potential to promote Russell as a 'Dark Sky' destination.
- Retain special character provisions for Russell and enhance where possible. Size and shape of buildings not just style is important in gateway zone
- Better delineation and signage of Council reserves and esplanade strips. Instance where public is unsure if land is public or private.
- Need to bring back development contributions to enable, develop and maintain public access.
- Council needs to assist with roadside rubbish collection.
- Use of public space for commercial purposes. Prevents public access and enjoyment of foreshore.
- Regular maintenance and clearing of open drains that run through properties.
- No footpath up to flagstaff hill. Well used, but can be dangerous. General comments about more footpaths around Russell.
- Foreshore road, Cass Street and The Strand all have shared space potential – similar to that seen in Elliot Street, Auckland.
- Concerns regarding reticulated water in Russell. Rely on water tanks as sole source.
- Issues with the wastewater scheme and its future potential to provide for development.
- Areas of coastal living zones near Tapeka point where the size of the lots requires land use consent for any buildings.

c) Heritage

- Council needs to start heritage landscape mapping.
- Consideration of guidelines or images of good development of size and shape of additions in heritage area. Booklet designed by North Shore District Council with regard to Devonport is a good example.

d) Indigenous Flora and Fauna

- Walkway maintenance needs improving,
- Flora and fauna affected by subdivision standards. Do not reduce the minimum lot size standards.
- Greater protection of flora and fauna at time of subdivision.

e) Coastal Protection

- Esplanade reserves and connectivity very important for Russell area and surrounds. There should be no dispensations for subdivision and land use consents adjacent to esplanade area or coast. Further provisions in the District Plan required to deal with private encroachment onto public land.
- Flooding issues and these becoming more apparent through built development.
- Sediment run-off from building sites not being managed adequately. Needs more enforcement or better conditions of consent.
- Setbacks from coastal marine area and waterways rule should be non -negotiable. No buildings should be allowed to encroach this setback.
- Riparian strips and esplanade reserves and priority areas need to be considered, acquired and maintained.

- District Planning
- Infrastructure and Asset Management

- Access related issues in terms of public/private delineation. Locals and tourists not aware of options to access coastline and beaches of area.
- Coastal Living Zone not fit for purpose for the needs of holiday park business. Main issue being the impermeable surface rule and limitation on building coverage.
- 8m height limit in Coastal Residential zone is not appropriate. Existing views need to be protected.
- Long Beach road is being undercut by sea erosion and is in danger of falling away.
- Bush covenants as part of subdivision approvals process not being carried out.
- Protection of particular beaches in terms of access but also from effects of local marine farming activities.
- Gateway area to Russell needs further protective measures.
- Amenity controls in the coastal environment need to be enforced.
- Need to protect sight lines to Mt Tikitiki at the top end of Orongo Bay. Limit residential development.
- Speed limit reductions required on entry/exit to Okiato. Safety issues for locals and children. Area has coastal residential density and requires lower speeds. Similar issues for Deeming Road which, because of its size, is really a one way lane once cars have been parked.
- District Plan minimum residential density and minimum site size rules need to be accompanied by further rules relating to sewerage standard. For example, a 600m² should be required to provide a secondary system or UV system.
- Orongo Bay gas station not in line with development in the coastal environment and consent conditions has not been monitored.
- Some mismatch in the size of lots and the underlying zone. Requires resource consent for development as a result.

f) Other

- Health and safety issues with certain roads. Requires signage as visibility is poor.
- Issues with specific consent notices on the title of property.
- Need for a 'winged wall' at 11 The Strand and at Brodie Passage.
- Questions regarding conditions of consent and whether they are being met, enforced and monitored.
- Access issues to Council reserves. Formalisation with other parties.
- Gorse spraying as potential fire risk and reduces views to water.

Summary of Issues - Rawene

The following table summarises the views and issues of the place planning event alongside the relevant department(s) in Council who will find the information relevant.

<i>Issues and Responses</i>	<i>Relevant Department(s)</i>
<p>a) Partnerships with Tangata Whenua</p> <ul style="list-style-type: none"> Renew Te Roopu Piritahi to discuss and resolve matters of concern to tangata whenua. Water is the most important resource. Council must play a role in the provision of water and how it is managed through the National Policy Statement. <p>b) Rural Sustainability</p> <ul style="list-style-type: none"> Potential use of bio-waste from forestry related activities to produce energy at a small scale. Not keen on reliance on big companies for electricity, small scale-community based projects are sufficient. stop thinking about million dollar projects and focus on smaller communities. Cycle way route is unsafe between Rawene and SH intersection. Insufficient width, poor alignment and visibility. Foreshore and coastal roads are being destroyed by forestry related logging activity. No monitoring of damage or advocating for different solutions. More subdivision and lifestyle options required for those with smaller land holdings and those who wish to live more communally. Current standards do not promote or enable this type of lifestyle. <p>c) Urban Growth Management</p> <ul style="list-style-type: none"> Investigate commercial zoning in the township, standard of footpaths, stormwater, and the road slipping behind the pub. There is no footpath from Kohukohu to the ferry, dangerous for pedestrians and cyclists The loading zone in downtown Rawene was moved some years ago from the north side of the Four Square building to the front of 6 Clendon Esplanade. This happened without consultation. This causes the entrance to Clendon Esplanade to be blocked to traffic and pedestrians. The smooth seal needs to be extended along Clendon Esplanade past Boatshed Cafe as the tar & chip seal melts in summer spreading tar into cars & shops in high visitor area. Plan required to achieve annual increments of kerbing/channeling & footpaths in Manning Street and replacing open drains. Current situation is dangerous to increasing number of cars & pedestrians. Many of them children. Built development needs to be at a human scale. Look at height limits and other design related elements to keep at a human scale. Need a greater understanding of the traffic implications in Rawene due to the connection with Kohukohu and the ferry. Increasing numbers of visitors contributes to this. Investigate a one way system and rationalisation of parking. Possibility of increasing water traffic. Sewage: Te Mauri o te Wai is a hapu based community organisation that is working alongside FNDC to create a better alternative to the water based sewerage scheme at Rawene. Mutually respectful relationship - follow approach in other areas to upgrade to IPT2 culturally acceptable land based solutions. Environmentally sustainable that return nutrients to the soil and keep nitrates, phosphates and pathogens from polluting the water. Water: given the annual summer water shortage, please give consideration to promoting the installation of water tanks even in urban areas. Cycling and Walking: Could we please have some signage to improve safety for cyclists, both on the feeder road into Rawene and in the village. Similarly, signage and more footpaths for safety for walkers. It is very dangerous. Consider one way traffic system for Rawene 	<ul style="list-style-type: none"> District Planning Infrastructure and Asset Management

- Asphalt the CBD.
- Improve footpath continuity between town and hospital. Consider heritage finishes to buildings.
- Street lighting. We have a magnificent night sky. It is being spoilt by current street lighting. Request that street lighting is concentrated downward so that it does not impact on the sky.
- Info stand and free WIFI at no.1 Parnell to catch tourists off the ferry.
- Extra parking using reclaimed land behind public toilets.
- Legibility of Clendon Esplanade - is it one way, two way or both? Also has both pedestrian and car traffic. Can be very dangerous at times. Need to slow down traffic in some form. Boardwalk along Clendon Esplanade a good idea up to the boatshed.
- Parking an issue - ferry lanes often used for parking by locals. More businesses have arrived in the town equating to a greater need.
- Land is an issue in this area and going higher will not conform with the character of the town. Need to think about reclaiming areas to provide parking and land for development.
- Parking a perceived issue. Business owners need to park away from their businesses so that others can park in front of the buildings.
- Support for PC20. There seems to be an issue with loading bays, access and parking provision in Heritage Precincts. Owners should not be penalised for this and the removal of parking requirements are a good step.

d) Renewable Energy and Energy Efficiency

- In house advice relating to energy developments. Focus on providing advice and service as opposed to spending money on massive projects.

e) Heritage

- District Plan should contain restrictions in terms of removing houses (non-HPT) in precinct areas. Has potential to ruin heritage values of that area.
- Consider expansion of the heritage precinct to include the Brideker Property.
- Street lighting should be sympathetic to the heritage precinct character and should be designed to avoid light pollution.
- Council does not give enough consideration to heritage precincts. There should be signs as people enter these towns saying that they have entered a heritage precinct..
- Street lighting in heritage precincts need to fit local character, standard fit for purpose street lighting often doesn't suit Kohukohu or Rawene. All work in heritage precincts even on Council land should take heed of requirements and associated guidelines and be more sympathetic.
- Policy needs to be created where scheduled Council building should set an example regarding a colour scheme. Allto have a range of colours for almost every time period and use. Resene also has a good colour range. Point is that Council actions in this area will promote and encourage others to follow suit. This should be for all Council buildings, not just those listed in the schedule.
- Historic trees are not given enough attention by Council. Behind Rawene pub for example big Morton Bay Figs and Oak Trees at Clendon House. Old rare Australian species at the Yarbarra Homestead in Kohukohu of national significance. The review of heritage precincts should be used to also prioritise further inclusions to the notable tree schedule. They add to the character of the heritage precincts and deserve this priority.
- Investigate a height limit restriction in heritage precinct areas to two storeys or two floors and potential for pitched roof if it is linked with the character of the area. Also impose active street frontage of business at bottom of building with potential for residential at the top.
- In terms of heritage controls there should be more discretionary activity provisions for scheduled buildings. Many of them are restricted discretionary in nature. By way of full discretion there is the potential for compromise in terms of particular development controls.
- Other methods have not been enduring - they need to be a bit more realistic. For example, no resource consent fees for heritage related components for scheduled buildings, discount for those heritage related matters in heritage precincts. Unlikely to be a

substantial sum of money. Incentives could prove catalyst for further development and highlight to owners that Council has an interest in heritage in the district

- All council planners need appropriate training and guidelines with respect to heritage to provide for better outcomes.
- Heritage fund should be set back up. The fund was put back into general community board funding which is not specifically focussed to heritage matters. Certain amount of money allocated to projects - set up as a trust with associated experts that advise on heritage matters.
- Council to lead by example on the properties they own with respect to heritage redevelopment. Policies apply to all landowners including council. Internal processes need to be set up for property managers so they aware of requirements.
- Concerns with heritage buildings that are located in the jurisdiction of the Northland Regional Council. No protection mechanisms. Need process where they can be protected and managed in a holistic manner. Could include delegated authority to manage those items.
- Role of climate change and coastal flooding on heritage items. What takes precedence heritage or hazard? There are likely to be conflicts with required floor board levels and height restrictions - again what takes precedence?
- Masonic Hotel heritage symbol is located on the car park and not the motel itself - slight error that requires clarification/amendment to the Zone maps for Rawene.

f) Indigenous Flora and Fauna

- Elephant grass present in this area and along hillsides. Becoming a fire hazard - needs to be removed as soon as possible. 15 McDonnell road. Fire hazard

g) Coastal Protection

- Coastal access and connectivity should be a significant resource management issue.
- Foreshore development and the effects of climate change. More bunds required around conservation, recreation and commercial areas. Will provide safety to the buildings and residents of Rawene.
- Inspection and maintenance of Council wastewater ponds, particularly the drain and stopbank. Stopbank should be raised a metre to prevent raw sewage going into the harbour.
- Council needs to consider visual amenity rule when the building of concern cannot be seen by a person - only avenue to see building will be by air. Why is there a restriction in these circumstances?
- Walkway/cycleway from the Kohukohu village to the Narrows. Would be well used by both locals and visitors. Logging trucks currently make the road scary to walk on.

h) Other

- Various zoning issues around Rawene and requests for changes.
- Small communities/areas need their own specific provisions as opposed to generic measures. i.e zoning 'villages' for example.
- Integrate visioning process and particular objectives and policies of Kohukohu community plan into District Plan Review.
- Number of matters in Community Plan not being delivered. For example, works relating to footpaths, streetlights and use of chemicals (glyphosate) not being done. Use of chemicals particularly bad and should stop.
- Vision – 'happy and healthy communities'. Cannot occur when noxious chemicals are used by Council contractors. Bad for environment and for health and safety of residents.
- In small settlements such as Kohukohu local contractors should be used. They know the area the best and do a good job.
- Issues with Kohukohu sewerage scheme in terms of contractors and specialists used. Outsourcing needs to stop and specialist advice needs to be undertaken by locals who live in the communities affected.
- Council objectives regarding vision and values are sensible but they are far removed from the people who are affected by Council policy and procedures.
- Local firms need to be given a greater weighting in contract procurement processes.
- Waste management should be a priority of district plan. Council should advocate for small scale swap days and encourage more

education components in waste management contracts. Potential for upcycling in Rawene/Kohukohu.

- Council needs to undertake audit of skills and resources available to it in their communities. Who are the people in these communities and what do they know and what skills they have?
- Customer service - need a pamphlet regarding how people can interact with council i.e through request for service system, through community board members or councillors. How to relay questions, complaints and how the process works would be useful
- The road along the cycle way needs to be sealed. If not reputation about the cycle trail will be so bad that it will not be used.
- Spraying - no Roundup on road verges, pars or public places
- Waste Management: more education on recycling, composting, waste management and reduction of waste and plastic bags.
- Mining and Oil Drilling: I'm aware that Council has little control over the consents for off-shore oil drilling or mining, but please be proactive in registering the community's opposition to these when you have the opportunity
- Planting: Support for community planting in public areas - please continue this with volunteers from the area.
- Art collectives in Rawene selling the Hokianga as the 'Art Capital of the World'.
- Wording in District Plan is difficult for the lay person to understand and even difficult for practitioners. Provide more graphics and figures and representative of the rules are required.
- Particular roading and safety issues on route into Rawene. Local firemen have been called to many accidents. Road is sinking in from water. Has been like this for years
- Road sealing required for connections to the north and south in the event that Ferry fails. Work promised in 2009 has never been done. The cycle way will bring additional traffic through connecting roads.
- The narrow gorge needs to be widened. Logging trucks and tourism traffic are sharing this awfully dangerous stretch of road. Drop offs need to be fixed.
- Who is responsible for maintaining this portion of the road? Maintenance appears to stop at the dairy farm located at approximately 2.5kms from SH1.
- Commercial rates should include a component relating to plastics. Council to say that they will not accept plastic bags at their waste management centres. result in paying for plastic bags
- Libraries in the Far North are fabulous. Very awesome infrastructure and people who go the extra mile to serve the public. Design of libraries is also good. However, there should be more provisions for customer based feedback and collaboration in design
- Sewerage system in Kohukohu. Sewerage charges need to reflect the cost of running the scheme not just some made up figure.

Conclusion

Due to the nature of the event, being mostly face to face, it is acknowledged that not all responses and conversations said on the days of the event will be captured above. However, we have tried to encapsulate as much as possible and look forward to any further refinement from those members who participated.

These responses and views will help in determining specific resource management issues for the area and potential responses to resolve them. These will be collated with responses from other place planning events throughout the district and inform the overall review of the District Plan.

**MEETING: REGULATORY AND ENVIRONMENT COMMITTEE
25 AUGUST 2016**

Name of item: DISTRICT PLAN UPDATE

Author: Tammy Wooster - Senior Policy Planner

Date of report: 18 July 2016

Document number: A1747689

Executive Summary

The purpose of the report is to update the Regulatory and Environment Committee (R&EC) on progress of current plan changes, submissions, appeals, and the strategic alignment of District Plan review processes.

1) Background

The Regulatory and Environment Committee has requested a regular update of the status of various Plan Changes, submissions, appeals and the strategic alignment of the District Plan review processes.

The update includes an Update Schedule (refer to Attachment 1) and a graphic representation of Plan Change status (refer to Attachment 2).

2) Discussion and options

Current Plan Change Processes

Appeals to the Environment Court

Plan Change 15 - Rural Provisions (PPC15)

Council received notification that the High Court appeal by Turners and Growers will be heard 5 December 2016.

Hearing closed and Commissioners recommendations received:

Proposed Plan Change 18 - Genetically Modified Organisms (GMOs)

The joint Council hearing with Whangarei District Council (WDC) was held the week of 13 June 2016. The hearing is now closed and Council has received the recommendations report from the Hearing Panel. A separate agenda item has been created to inform the Committee of the recommendations made to Council.

The appeal by Federated Farmers to the High Court on jurisdiction matters is still outstanding, and the Environment Court has still not heard the appeal on GMOs in relation to the Northland Regional Policy Statement (RPS).

One Notified Proposed Plan Change is subject to pre hearing mediation

Proposed Plan Change 21 - National Policy Statement on Electricity Transmission (NPSET)

Information is still being circulated between the parties that attended the pre hearing mediation to try and resolve as many issues as possible prior to the hearing. A hearing date is being arranged for mid September 2016.

Three Proposed Plan Changes are subject to a Section 42A Hearing Report and are waiting for Hearing dates

- Proposed Plan Change 21 - National Policy Statement on Electricity Transmission (NPSET)
- Proposed Plan Change 20 - Proposed Traffic, Parking and Access Plan Change
- Proposed Plan Change 19 - Signs and Lighting

It was previously decided to hold a joint hearing (by Independent Commissioners) for all three plan changes. However, as a result of feedback received via the “Lets Plan Together” place planning exercises and the planned upgrade of the Kerikeri reticulated wastewater system, it has been decided to undertake further analysis of parking and associated traffic effects in the Kerikeri and Paihia townships. This will be done in conjunction with the Infrastructure Team, who are responsible for creating the districts parking strategies. As a result, Plan Change 20 will be deferred.

It is still proposed to undertake a joint hearing for Plan Changes 19 and 21.

District Plan Review Processes and Activities

A series of “place planning” exercises has been concluded around the District. The Kerikeri place planning venue continues to be used to host meetings with stakeholder groups, such as Horticulture NZ, that are ongoing. The results of the feedback have been collated and are being reported to the Committee along with a description of the next steps in the plan review process as a separate agenda item. Staff are working with the Communications team to develop different ways to keep the public informed of the plan review process.

Engagement with Tangata Whenua

On 21 June 2016, a Tangata Whenua Engagement Scoping Hui was held and representatives from Far North Iwi and Hapu were invited to participate. The purpose of the hui was to gather feedback on a proposed tangata whenua engagement process; to seek confirmation and prioritisation of key issues and to continue building an ongoing relationship network to get informed feedback from tangata whenua on the District Plan review.

A post hui report is currently being drafted and will provide a methodology for the next stage of engagement with Hapū and Iwi. Targeted Iwi and Hapū engagement has now commenced and will continue until December 2016, albeit it will be on-going throughout the District Plan review process.

There will be a range of engagement exercises over the next six months with Mandated Iwi Organisations and Iwi/ Hapū who have lodged management plans with Council. The establishment of a Tangata Whenua Advisory/Reference Group which continues to engage throughout the Plan review process will be sought.

The District Plan team is continuing to respond to requests from tangata whenua groups to meet and discuss the range of issues that affect them; and how the District Plan and other arms of Council, can respond. The next hui is at Otiria Marae on the 19 August 2016. A range of Council staff will attend, including those from Infrastructure and Asset Management and Māori Development (Community Policy and Development).

Regional Policy Statement and Hazard Mapping Projects

The Regional Policy Statement (RPS) is still only partly operative, due to the GMO's appeal still being outstanding.

The Northland Regional Council (NRC) on 02 June 2016 released draft Coastal Hazard maps to affected land owners. Feedback can still be provided to the Regional Council until the 05 September.

Council staff are working on a communications initiative to improve awareness of hazard information being developed to assist landowners to efficiently obtain information and navigate statutory processes efficiently. A verbal update will be provided on progress of this piece of work at in the E & RC meeting. In the interim, staff have ensured that the Land Information Memorandum (LIM) reports produced by Council for these affected properties make reference to these draft NRC Coastal Hazard maps.

Proposed Regional Plan(s) Review

A draft version of the “one” plan will be available for feedback on 08 August for a seven week period. Staff will engage with other divisions of Council and develop a submission on the draft Plan and report back to the Committee.

Regulatory Reform Proposal for the RMA

Council has been advised that the Local Government and Environment Select Committee is due to report back to Parliament on 06 September 2016.

Further Reform Considerations

Staff prepared a submission to respond to the Governments proposed changes to the rules managing the disposal of hazardous substances. The rules that govern the use of hazardous substances in the workplace are moving from the Hazardous Substances and New Organisms (HSNO) Act (administered by the EPA) into a new Health and Safety at Work (HSW) Act (administered by Worksafe). A verbal update will be provided on this matter in the Committee meeting, as the submission period opened on the 11 July and closes on the 22 August 2016.

In response to the Government issuing the draft National Policy Statement on Urban Development Capacity (NPS-UDC), a submission was submitted by Council on 15 July 2016.

3) Financial implications and budgetary provision

Costs associated with the “Schedule 1” statutory district planning work streams for the 2016/17 financial year (such as appeals on the Proposed Plan Change 15, pre hearing mediation, joint hearing and any appeals for Proposed Signs and Lighting, Traffic Parking and Access, NPSET Plan Changes) are budgeted for.

From a “plan review” perspective, a consolidated plan review will have associated costs once the plan is notified and subsequent hearings and plan appeals occur. Stage 1 Processes involving the Research and Investigation Framework, is mostly in-house. Stage 2 - Issues and Options may have a moderate to high funding requirement in the 2016/17 financial year. These have been budgeted in the Annual Plan 2016/17. Hearings and appeals are in the 2017/18 or subsequent financial year and may have greater cost, especially in relation to specialist involvement and legal processes and support. The budgets and timing of work proposed in the Long Term Plan 2015-25 will be kept under review and may need to be adjusted in future Annual Plans, as the programme for the plan review is refined.

4) Reason for the recommendation

To inform the Regulatory and Environment Committee of the status of District Plan review and plan change processes.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy Group

Attachment 1: Plan Change Update Schedule - Document number A1750902

Attachment 2: District Plan Change Progress Graphic - Document number A1750923

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Relationship with existing policies and Community outcomes.	Every component of the District Plan review will need to be assessed against existing policies of Council and outcomes of any community planning.
Possible implications for the relationship of Māori and their culture and traditions with their ancestral land, water, site, waahi tapu, valued flora and fauna, and other taonga.	The review of a District Plan requires (by legislation) consultation with tangata whenua.
Views or preferences of persons likely to be affected by, or to have an interest in the matter, including persons with disabilities, children and older persons.	Any review of a District Plan requires (by legislation) consultation with affected persons.
Does the issue, proposal, decision or other matter have a high degree of significance or engagement as determined under the Council's Policy #2124?	This item relates to timetabling as opposed to actual content of any plan change or review. Assessed as low significance.
If the matter has a Community rather than a District wide relevance has the Community Board's views been sought?	Some aspects of the Plan review will be more community orientated than district wide. However, it is intended to involve Community Boards in most aspects of the District Plan review. Community Board members have been participating in the local pop up shops and put a pin on it meetings.

Financial Implications and Budgetary Provision.

Chief Financial Officer review.

Provision has been made in the District Plan budget within the Annual Plan for 2015/16 and 2016/17. Budgets proposed in the Long Term Plan 2015-25 for future years will be kept under review and may need to be adjusted in future Annual Plans.

The Chief Financial Officer has reviewed this report.

Plan Change Update Schedule

Number	Title	Status	Comment
15	Rural Provisions	1 Appeal to the High Court.	The High Court has advised a hearing date has been set for the 5 December 2016.
18	Genetically Modified Organisms	Plan Change has been heard.	The Hearing is closed. A recommendation to adopt the Plan Change has been received from the Hearing Panel.
19	Signs and Lighting	Awaiting hearing.	A draft section 42 Report has been prepared. A hearing date has been set for the week of the 12 September 2016.
20	Traffic, Parking and Access	Preparation of Planners Report.	Drafting of the section 42A report is being undertaken. A hearing date is now likely to be in early 2017.
21	Plan Change on National Policy Statement on Electricity Transmission	Pre Hearing Mediation taking place.	Pre Hearing mediation is still occurring. Drafting of the section 42A report is being undertaken. A hearing date has been set for the week of the 12 September 2016. .

District Plan - August 2016

Summary of Activity: The District Plan team is responsible for managing the Far North District Plan. There is currently 5 plan changes being processed. The Operative District Plan is currently under review.

District Plan Change Progress



Highlights for the month

During the month of July the Hearing Panel for Plan Change 18 – GMOs made their recommendation to Council.