



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Regulatory Compliance Committee Meeting

Tuesday, 9 February 2021

Time: 1.00 pm
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Cr Kelly Stratford - Chairperson
Cr Dave Collard – Deputy Chairperson
Mayor John Carter
Deputy Mayor Ann Court
Cr David Clendon
Cr Rachel Smith
Cr John Vujcich
Member Adele Gardner - Te Hiku Community Board Chair
Member Belinda Ward - Bay of Islands-Whangaroa Community Board Chair

 Far North District Council <i>Te Kaunihera o Tai Tokerau ki te Raki</i>	Authorising Body	Mayor/Council
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Regulatory Compliance Committee Terms of Reference
	Approval Date	19 December 2019
	Responsible Officer	Chief Executive

Purpose

The purpose of the Regulatory Compliance Committee (the Committee) is to implement and monitor regulatory compliance and statutory matters on behalf of the Governing Body. The Committee will conduct hearings (except those under the *Resource Management Act 1991*) and undertake any functions as requested or delegated by Council from time to time provided the functions conform to the *Local Government Act 2002*.

The Committee will have functional responsibility for the following aspects:

- Hearings (excluding RMA and DLC)
- Regulatory activities
- Regulatory policies and bylaws
- Regulatory compliance
- Mana Whakahono

To perform his or her role effectively, each Committee member must develop and maintain his or her skills and knowledge, including an understanding of the Committee's responsibilities and key legislation.

Delegations

The Regulatory Compliance Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Regulatory Compliance Committee will operate within:

- policies, plans, standards or guidelines that have been established and approved by Council;
- the overall priorities of Council;
- the needs of the local communities; and
- the approved budgets for the activity.

Power to Delegate

The Regulatory Compliance Committee may not delegate any of its responsibilities, duties or powers.

Membership

The Council will determine the membership of the Regulatory Compliance Committee.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson and a majority of the Committee members must be accredited commissioners under the relevant Act.

When the Regulatory Compliance Committee is meeting as a Hearing Committee, the Chairperson shall hold the 'chair certification' as per the Act.

The Committee membership for each hearing shall be appointed by the Chairperson of the

Regulatory Compliance Committee together with the Chief Executive and will normally comprise the core Regulatory Compliance Committee members.

The Regulatory Compliance Committee will comprise of at least six elected members (one of which will be the chairperson).

Mayor Carter

Kelly Stratford – Chairperson

Dave Collard – Deputy Chairperson

John Vujcich

Rachel Smith

David Clendon

Ann Court

Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

Adele Gardner – Te Hiku Community Board Chair

Non-appointed councillors may attend Regulatory Compliance Committee (but not Hearings) with speaking rights, but not voting rights.

Quorum - Committee

The quorum at a meeting of the Regulatory Compliance Committee is 4 members.

Frequency of Meetings

The Regulatory Compliance Committee shall meet every 6 weeks but may be cancelled if there is no business.

Committees Responsibilities

The Committees responsibilities are described below:

Hearings, Objections and Appeals

- Conduct hearings, as delegated by Council, in accordance with the relevant legislative and policy requirements (excluding Resource Management Act and District Licensing)
- Approve and monitor Council's list of hearing Commissioners for Resource Management Act and District Licensing hearings.

Regulatory Activities

- Assess and provide advice to Council on level of service and policy issues relating to:
 - regulatory matters; and
 - provision of services
- Reviewing and making recommendations to the Chief Executive in respect to functions and activities within the purpose of the Committee regarding codes of practice.

Policies and Bylaws

- Recommend the development and review of Council's regulatory policies and district bylaws
- Make a recommendation where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution (eg dog areas under the dog control bylaw, speed limits)

Compliance

- Ensure that Council's planning and regulatory functions comply with legislative requirements and Council policy and processes
- Monitor operational functions comply with legislative requirements and Council policy
 - BCA (building consents)
 - RMA (resource consents)
- Ensure that consents associated with Council's infrastructure are being met and renewals are planned for
- Receive traffic light reports on regulatory compliance (policy, plans, functions and bylaws) such as:
 - District Plan (when proposed)
 - Building Act
 - Resource Management Act
 - Licences (various acts)
 - Animal management

Mana Whakahono-ā-Rohe (Mana Whakahono)

- Monitor regulatory matters arising from Mana Whakahono under the Resource Management Act 1991.

The committee seeks to foster and encourage participation and engagement with constituents.

HEARINGS, OBJECTIONS AND APPEALS**Regulatory Compliance Committee, meeting as a Hearing Committee**

The Regulatory Committee, when meeting as a Hearing Committee, shall be delegated authority to hear and determine matters as follows:

Public Works Act 1981

Public work requirements.

Local Government Act 2002

Objections against the construction of public works on private land.

Local Government Act 1974

Objections and appeals to road stopping proposals.

Fencing of Swimming Pools Act 1987

Applications for exemption, waiver or compliance.

Delegated decisions

- Requests for review or objections to delegated decisions by the Committee and/or delegated officers.
- Appeals against decisions made by officials acting under delegated authority in accordance with approved Council Policy.

Dog Control Act 1996

Objections.

Gambling Act 2003, Health Act 1956 and Building Act 2004

Hearings, objections and related matters.

And any other such matters as required under the legislation (but not Resource Management Act or the Supply and Sale of Alcohol Act for matters outside the district licensing committee).

Rules and Procedures

Council's Standing Orders and Code of Conduct apply to all the committee's meetings.

Annual reporting

The Chair of the Committee will submit a written report to the Chief Executive on an annual basis. The review will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. The Chief Executive will place the report on the next available agenda of the governing body.

REGULATORY COMPLIANCE COMMITTEE - MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Kelly Stratford (Chair)	KS Bookkeeping and Administration	Business Owner, provides book keeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
Kelly Stratford - Partner	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest I would step aside from decision making
David Collard (Deputy Chair)	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
David Clendon	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	Top Energy	Supplies my power		No other interest greater than the publics
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	Crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful,	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
				considered impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
Rachel Smith	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
John Vujcich	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain

Name	Responsibility Chairperson etc) (i.e.	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest
Belinda Ward	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
Belinda Ward (Partner)	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		
Adele Gardner	N/A - FNDC Honorarium			
	The Far North 20/20, ICT Trust	Trustee		
	Te Ahu Charitable Trust	Trustee		
	ST Johns Kaitaia Branch	Trustee/ Committee Member		
	I know many FNDC staff members as I was an FNDC staff member from 1994-2008.			
Partner of Adele Gardner	N/A as Retired			

Far North District Council
Regulatory Compliance Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 9 February 2021 at 1.00 pm

Order Of Business

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 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 or the Team Leader Democracy 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.

3 DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3052607

Author: Marlema Baker, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

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

RECOMMENDATION

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 1 December 2020 are a true and correct record.

1) BACKGROUND

Local Government Act 2002 Schedule 7 clause 28 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 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

Reason for the recommendation

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

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

ATTACHMENTS

1. 2020-12-01 Regulatory Compliance Committee Minutes [A3025904] - A3025904 [↓](#)

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.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of low significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	This report is asking for the minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**MINUTES OF FAR NORTH DISTRICT COUNCIL
REGULATORY COMPLIANCE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 1 DECEMBER 2020 AT 1.00 PM**

PRESENT: Cr Kelly Stratford (Chairperson), Cr Dave Collard (Deputy Chairperson), Cr David Clendon, Deputy Mayor Ann Court, Cr Rachel Smith, Cr John Vujcich, Bay of Islands-Whangaroa Community Board Chair Belinda Ward.

IN ATTENDANCE: Shaun Clarke (CEO), Jaime Dyhrberg (Manager - Transformation & Assurance Transformation & Assurance), William J Taylor (General Manager – Corporate Services), Andy Finch (General Manager – Infrastructure and Asset Management), Dean Myburgh (General Manager – District Services)

STAFF PRESENT: Marlema Baker (Meetings Administrator), Kim Hammond (Meetings Administrator), Trent Blakeman (Manager - Building Consents), Rochelle Deane (Manager - Environmental Services), Greg Wilson (Manager – District Planning), Richard Edmondson (Manager – Communications)

1 KARAKIA TIMATANGA – OPENING PRAYER

Chair Kelly Stratford opened the meeting with a Karakia.

2 APOLOGIES AND DECLARATIONS OF INTEREST

COMMITTEE RESOLUTION 2020/19

Moved: Cr Kelly Stratford
Seconded: Deputy Mayor Ann Court

That apologies from Mayor John Carter and Members Adele Gardner and Belinda Ward for their absence, and Cr Rachel Smith for early departure at 2pm, be received and accepted.

CARRIED

3 DEPUTATION

None received for this meeting.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3005555, pages 14-17 refers.

COMMITTEE RESOLUTION 2020/20

Moved: Deputy Mayor Ann Court
Seconded: Cr David Clendon

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 20 October 2020 are a true and correct record.

CARRIED

5 INFORMATION REPORTS

5.1 ENVIRONMENTAL SERVICES: ALCOHOL LICENSING UPDATE

Agenda item 5.1 document number A2999512, pages 18 - 23 refers. Rochelle Deane spoke to this item and a presentation was given to the Committee. Document: A3048456 refers.

COMMITTEE RESOLUTION 2020/21

Moved: Cr Kelly Stratford

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee receive the report Environmental Services: Alcohol Licensing Update.

CARRIED

5.2 UPDATE REPORT: BYLAW ENFORCEMENT

Agenda item 5.2 document number A3003300, pages 24 - 28 refers. Rochelle Deane spoke to this item. A presentation was given to the Committee. Document: A3048484 refers.

COMMITTEE RESOLUTION 2020/22

Moved: Cr Kelly Stratford

Seconded: Deputy Mayor Ann Court

That the Regulatory Compliance Committee receive the report Update Report: Bylaw Enforcement.

CARRIED

6 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION 2020/23

Moved: Cr Kelly Stratford

Seconded: Deputy Mayor Ann Court

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - BCA Regulatory Compliance Update	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

SOUTHERN SHELTER

Rochelle Deane delivered a presentation to the Committee on the Southern Shelter. Document: A3048458 refers.

6.2 CONFIRMATION OF INFORMATION AND DECISIONS IN OPEN MEETING**COMMITTEE RESOLUTION 2020/24**

Moved: Deputy Mayor Ann Court

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee confirms that the following information and decision contained in the part of the meeting with the public excluded, be restated in public:

- **Item 6.1 – BCA Regulatory Compliance Update.**

CARRIED

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Chair Kelly Stratford closed the meeting with a karakia.

8 MEETING CLOSE

The meeting closed at 2:03 pm.

The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 9 February 2021.

.....
CHAIRPERSON

5 INFORMATION REPORTS

5.1 NOISE CONTROL AND PARKING ENFORCEMENT UPDATE

File Number: A3060477

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To report to the committee on:

- The number of noise related RFS received and response times
- The number of noise abatements issued
- The number of parking infringements issued, the type and locations
- The effectiveness of the noise control contract (and renewal of contract timeframes)
- The effectiveness of the Parking enforcement and further options

EXECUTIVE SUMMARY

Noise

To ensure compliance with the Resource Management Act for noise pollution, First Security is contracted to FNDC to respond to noise complaints across the district.

The performance measure in place for noise complaints is to respond within the following timeframes:

Urban areas: 1 hour

Rural areas: 2 hours

The current KPI performance measure for Council's level of service is to respond to complaints $\geq 95\%$ within the set time.

There has been a total of 662 noise RFS received between 1 July 2020 to 31 December 2020. This is 28 less complaints than for the same period last year.

85% of these complaints are categorised as urban complaints, however within the contract there is no mapped definition of rural and urban. These locations have been defined by the administration team where urban is seen to be the main residential and industrial areas (Kerikeri, Kaikohe, Kawakawa, Moerewa, Kaitaia, Russel, and Paihia).

Based on this there has been a gradual improvement in rural response times averaging 83% for the first half of the year with December 2020 having 94% of requests responded to within two hours.

Urban response times however remain low with an average of 78% for the first half of the financial year.

27 abatement notices have been issued for continued breaches.

The Security Services Contract with First Security is currently on an extension for Council to undertake a service delivery review. This contract includes building security, alarm monitoring and cash collection. A contract that was specific to Noise Control and reflected Council's levels of service expectations and performance indicators clearly would be beneficial to both parties.

First Security are committed to make improvements to meet KPI targets and provide a better service and have recently;

- Employed a Business Administrator, to ensure timeliness and quality of noise requests, and to act as a key liaison with FNDC.
- Appointment of two night-shift Supervisors to cover nights within Kerikeri and Kaitaia areas, ensuring staff are directed to responses within required timeframes.
- Additional staff member and vehicle to work nights in the Kaitaia area

Parking Enforcement

Parking Wardens are warranted under the Land Transport Act 1998 to enforce the provisions of any stationary vehicle offence or special vehicle lane offence.

The Council's sole Parking Warden monitors all parking across the district focussing on central business districts on Council controlled roads. Currently there is no delegation agreement for enforcement on State Highway between Waka Kotahi (NZTA) and FNDC.

There were 461 parking infringements issued between 1 July 2020 and 30 December 2020, slightly more than for the same period last year (412).

Most infringements issued within the district are for the breaching of parking time limits in the areas of Kerikeri and Paihia. People parking in areas reserved for disabled persons without a permit also requires ongoing monitoring and enforcement across the district.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report Noise Control and Parking Enforcement Update.

BACKGROUND

The Council can step in when noise being generated is excessive and causing a disturbance to others.

Excessive noise is any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person. Examples of excessive noise are noise from a loud party (people noise), stereos, band practices, burglar alarms or machinery.

There is no one set level for noise that is acceptable. The level of noise that is acceptable varies according to location of neighbours, time of day, zone you live/work in, presence of sound barriers and the type of noise. The same noise levels during the day may not be acceptable at night.

Under the Resource Management Act (1991), FNDC has the power to control excessive or unreasonable noise. FNDC currently contracts this service to First Security.

If a Noise Control Officer is called out to investigate noise they will determine if the noise is reasonable and within permissible levels.

- It is not necessary to use monitoring equipment to determine if the noise is excessive.
- The noise may have ceased or subsided or be deemed not excessive by the Officer.
- If the noise is deemed to be excessive, a Noise Control Officer may give a verbal warning or serve a written direction to reduce the noise. This is in force for up to 72 hours.
- If the noise continues, recurs or increases and the written direction has been breached, the Officer and the police can seize the equipment.
- If seizure is not possible a notice of *Non-Compliance with Direction to Abate Excessive Noise* is issued, and prosecution may result. Fines of up to \$10,000 may apply.

Parking

Parking infringements fees are set by legislation and of low monetary value in comparison to other legislation penalties for offences, as a result income from enforcement is minimal— see attachment A, Parking Infringement Fees.

Following the VADE model, the aim is however to encourage voluntary compliance and having a presence of a warden and an educational approach encourages this within the community.

An option to increase revenue for parking could be generated from the enforcement of Warrant of Fitness and Vehicle Registration across the district, largely due to the higher value of infringements (\$200). This type of enforcement ensures that fewer unregistered and unsafe vehicles are on our roads, so a win on both accounts.

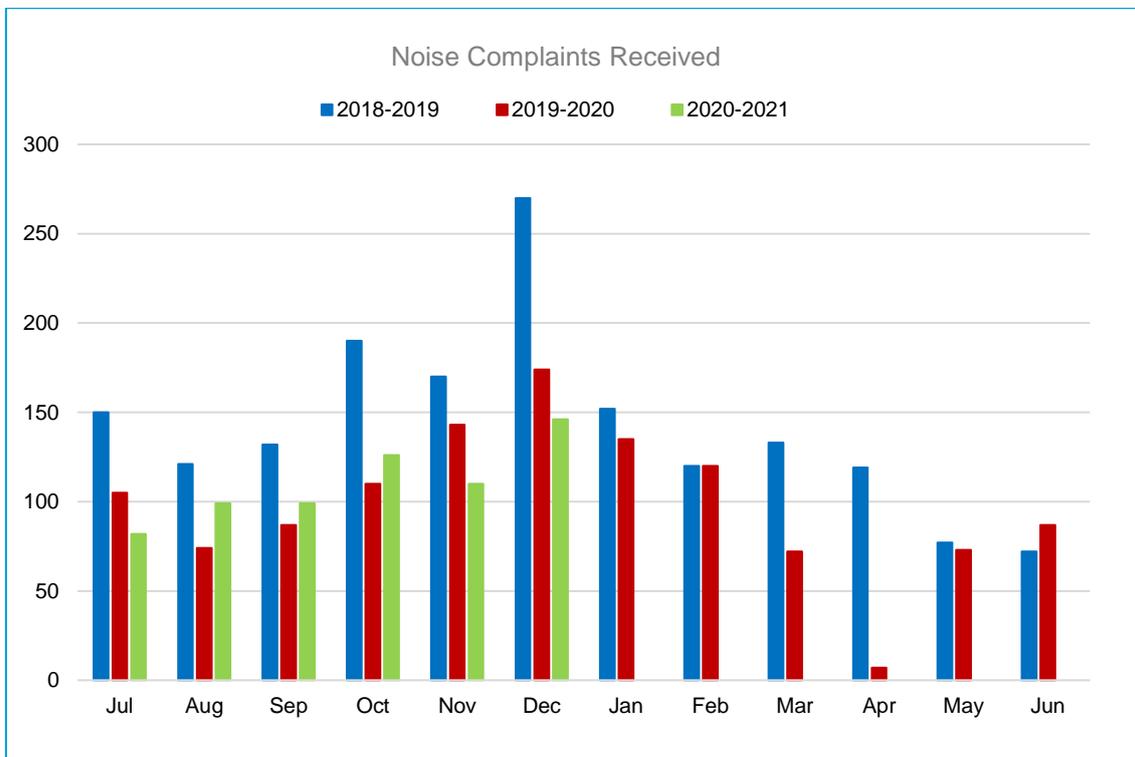
Further, receiving delegation for stationary vehicle offences from Waka Kotahi for State Highway would also provide consistency across the region and provide additional income.

If additional enforcement was initiated the increased revenue would also fund an additional Parking Warden to provide a 'two up' approach for increased health and safety measures and ensure all areas were covered in the district.

Recruitment is currently underway to replace the Parking Warden who ended his service with the team on 31 December 2020. Current parking enforcement is being covered by members of the Monitoring and Compliance team in addition to their other duties, which will have an impact on the number of infringements issued for the third quarter.

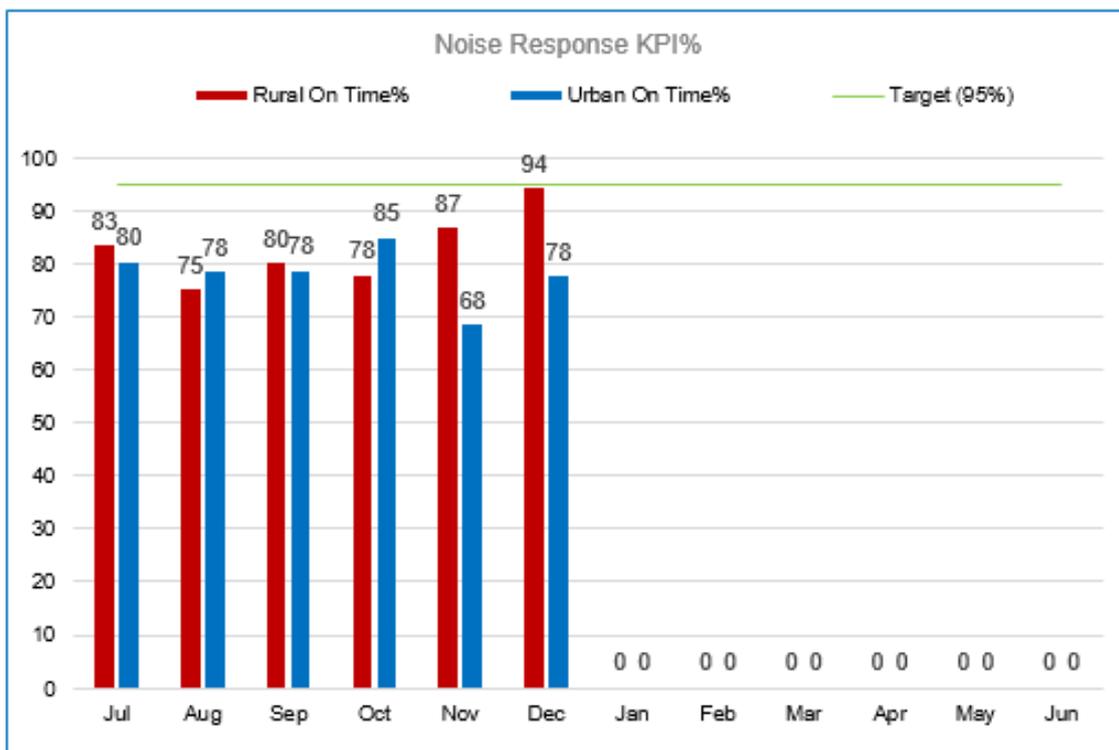
DISCUSSION AND NEXT STEPS

The following graph shows the total numbers of noise complaints received from 2018 to present. RFS numbers for the first half of the year are similar to that of the same period in 2019, with an expected increase over the summer period.



The graph below shows First Security response times during the 2020-2021 financial year as a percentage towards KPI achievement. There has been a gradual improvement in rural response times with December being the best month this year with 94% of calls responded to within two hours, 1% short of meeting the KPI.

Urban response times remain low on average for the first half of the year (78%).



Rural on Time (Less than 2hrs)
Urban on Time (Less than 1hr)

Between 1 July and 31 December 2020 there have been 57 Excessive Noise Direction (END) notices issued and 27 Abatement notices issued for noise.

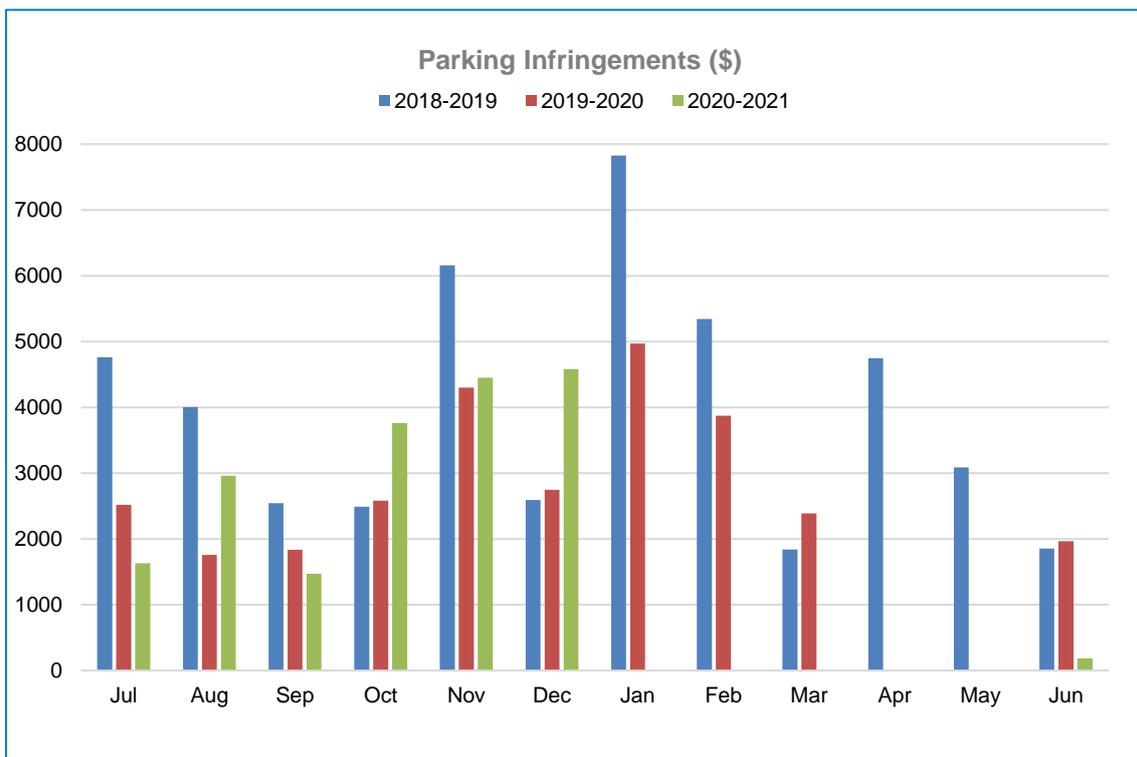
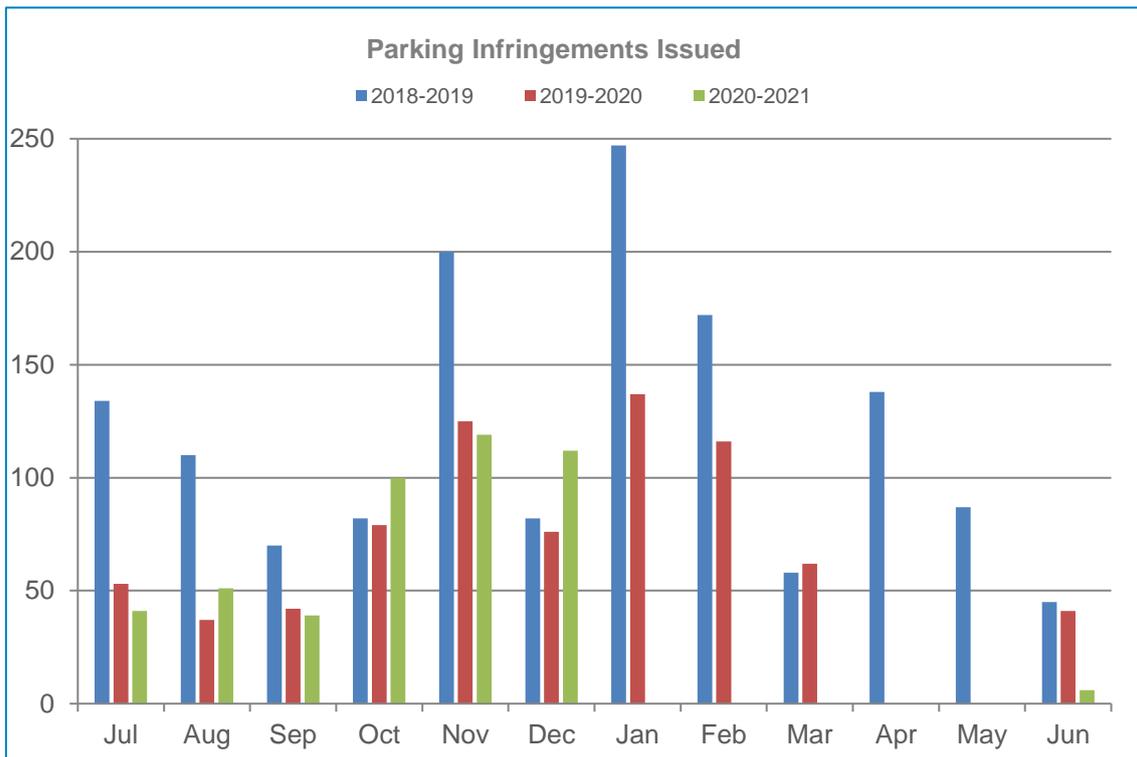
Action Taken	Count
Abatement notice issued	27
Seizure performed	6
Excessive noise directive issued (end)	57
Verbal warning	131

PARKING ENFORCEMENT

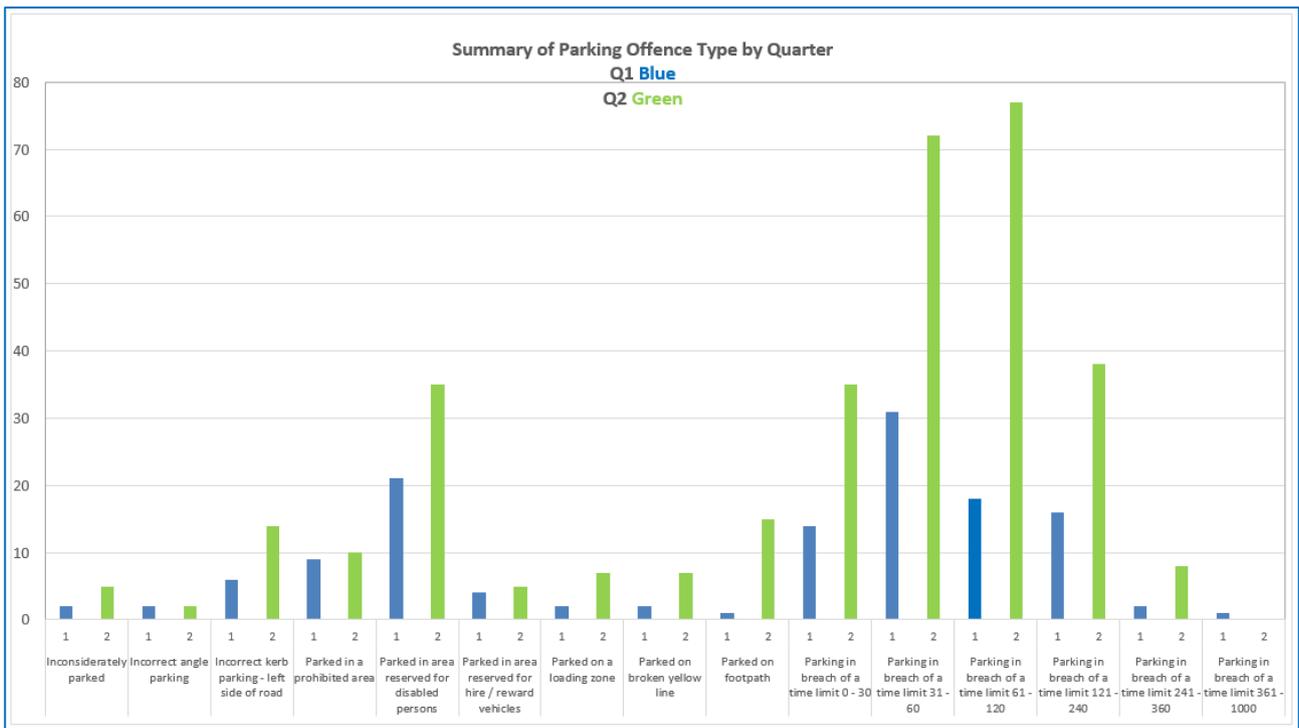
There have been 461 parking infringements issued between 1 July 2020 and 30 December 2020, compared with 412 for the same period last year. The lead up to Christmas period resulted in more infringements, due to areas being busy and the Parking Warden being removed from all other duties to focus on enforcement.

Serious Health and Safety incidents with threatening behaviour towards the parking Warden occurred in August and September 2020, which resulted in the Parking Officer being removed from normal duties until

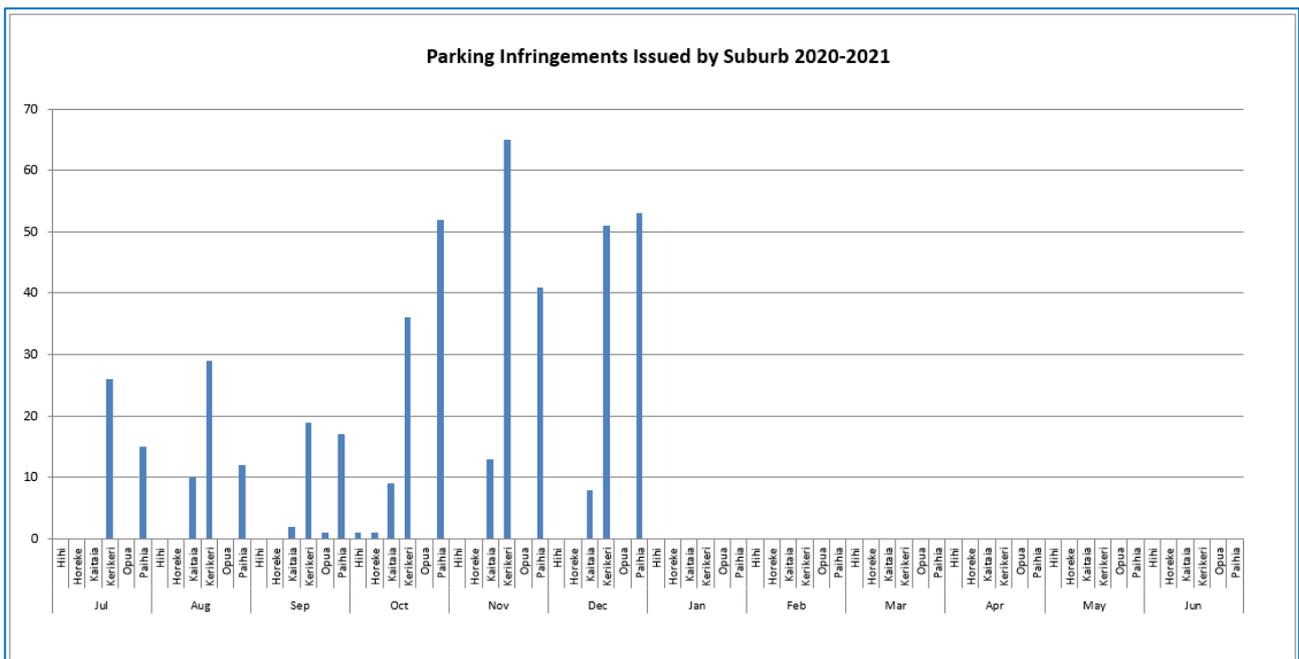
increased PPE and procedures were put in place. This is reflected in the number of infringements issued for that period.



The most common offences type is for parking in breach of the time limit, which increased in the second quarter of the year which is reflective of the season. Parking in areas reserved for disabled persons also requires ongoing enforcement in the community.



Kerikeri and Paihia have the highest number of infringements issued across the district. This is due to a higher demand for carparks in these areas than others and an increased presence in these areas by the warden leading up to the busy season.



FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial or resource implications associated with this report.

ATTACHMENTS

1. Attachment A - Parking Infringement Fees - A3067267 [↓](#)

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.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act 2002 FNDC Parking and Traffic Control Bylaw 2010 Resource Management Act 1991 Land Transport Act 1998 Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 Land Transport (Offences and Penalties) Regulations 1999 LTP Community Outcomes: Communities that are healthy, safe, connected and sustainable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District Wide Significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Information report only
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Parking Infringement Fees

Parking infringements		Set by legislation
P101	Parked within an intersection	\$60.00
P102	Parked within six meters of an intersection	\$60.00
P103	Parking near corner, bend or rise	\$40.00
P104	Parking on or near a pedestrian crossing	\$60.00
P105	Parked in prohibited area	\$40.00
P106A	Parked over the time limit	\$40.00
P107	Parked on broken yellow line	\$60.00
P108	Parked in area reserved for vehicles hire/reward	\$60.00
P109	Parking within six meters of an indicated bus stop	\$40.00
P110	Parked across a vehicle entrance	\$40.00
P111	Parked near fire hydrant	\$40.00
P112	Parked between fire hydrant and road marking	\$40.00
P113	Double parked	\$60.00
P114	Incorrect kerb parking - left side of road	\$40.00
P115	Parked on footpath	\$40.00
P116	Parking trailer on road more than seven days	\$60.00
P117	Inconsiderate parking	\$60.00
P119	Parked on a loading zone*	\$40.00
P120	Incorrect angle parking	\$40.00
P127	Parked on a flush median or traffic island	\$40.00
P508	Parked in a clearway	\$60.00
P969	Parked in an area reserved for disabled persons	\$150.00
P106 / T30	Parking in breach of a time limit 0-30 mins	\$12.00
P106 / T60	Parking in breach of a time limit 31- 60 mins	\$15.00
P106 / T120	Parking in breach of a time limit 61-120 mins	\$21.00
P106 / T240	Parking in breach of a time limit 121-240 mins	\$30.00
P106 / T360	Parking in breach of a time limit 241-360 mins	\$42.00
P106 / T1000	Parking in breach of a time limit six hours or more	\$57.00
Infringements do not attract GST		
* Use for when goods and service vehicles overstay on loading zone		
	C = Car	U = Ute
	B = Bus	V = Van
	T = Truck	CV = Campervan
	S = Station Wagon	MB = Motorbike

5.2 ALCOHOL LICENSING UPDATE

File Number: A3060592

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To report to the committee on:

- The number of alcohol license issued
- The number of renewed licenses
- The number of objections received and their outcomes.

EXECUTIVE SUMMARY

There has been a significant drop in the number of alcohol licenses issued between 1 July 2020 to 31 December 2020 compared to the same period last year. This is mainly due to a reduction in special licenses applications received for this period.

A special license is required for ticketed events like festivals, concerts and sporting events where alcohol is included in the ticket price or sold at a bar. The reduction in these types of events is expected to be due to the Covid-19 pandemic and the uncertainty it has created.

On, off, club and managers licence renewals are of similar numbers to that for the same period last year, which is encouraging for premises continuing to operate in the district.

There have currently been seven objections to licence applications for the first half of financial year. District Licensing Committee (DLC) hearing outcomes have resulted in two applications being declined. Three applications were withdrawn prior to a hearing. The remaining two applications are to be scheduled to go to a DLC hearing soon.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report Alcohol Licensing Update.

BACKGROUND

There are four kinds of alcohol licence that can be applied for and issued.

- **On-licence** – this licence is held for a premise where the licensee can sell and supply alcohol for consumption there and can let people consume alcohol. Some on-licence premises also have a BYO endorsement
- **Off-licence** - this licence is held for a premise where the licensee can sell consumption elsewhere. Some off-licence premises have a “sale for delivery and sales at distance” endorsement where they can sell alcohol on or from the premises and deliver it somewhere else
- **Club licence** - this licence is held for a premise where the licensee can only sell and supply alcohol to authorised customers (member or visitor of member of the club) for consumption there
- **Special licence** – A special licence is applied for when the premises does not hold an alcohol licence or when the licensee would like to extend their licensed area or licensed hours for an event(s). There are two kinds of special licences - an on-site and off-site special licence

A licensee is required to renew their license:

- Annually for a licence that has not been renewed before, or;

- Every three years for a licence that has been renewed before.

Each territorial authority must appoint a District Licensing Committee (DLC) to manage licensing matters within its district under the Sale and Supply of Alcohol Act 2012 (the Act).

Within their local areas, DLCs decide applications for:

- new and renewal applications for on, off and club licences
- special licences
- new and renewal applications for manager's certificates
- opposed acting or temporary appointments of managers
- variation of licence conditions
- temporary authorities and temporary licences
- orders to vary, revoke, suspend or cancel a special licence.

A DLC is made up of a chair and two members who have terms of office up to five years.

The quorum for a DLC meeting is three members, except when licence or manager's certificate applications have no objections or matters raised in opposition. In this case the Chair can form a quorum of one.

A DLC hearing is held where there are public or agency objections to an application.

A DLC considers the application, agency reports, evidence and submissions presented to it against the criteria in the Act and any relevant case law. It then objectively determines facts and draws conclusions from them to make its decision.

DISCUSSION AND NEXT STEPS

For the period 1 July 2020 to 31 December 2020 there has been a total of 118 alcohol licenses issued. This is nearly 60 less licenses issued than in the same period in 2019, the reduction is mainly due to the lower numbers of Special Licenses issued.

Table 1: Licenses issued per month (New and Renewed)

Month (2020)	# Issued	Month (2019)	# Issued
July	21	July	14
August	10	August	28
September	10	September	27
October	25	October	17
November	26	November	56
December	26	December	34
Total	118	Total	176

Table 2: License Type issued 1 July 2020 to 31 December

License Type	1 July – 31 December 2020	1 July – 31 December 2019
Club - New	0	0
Club - Renew	9	4
On License - New	10	13
On License - Renew	19	17
Off License - New	6	5

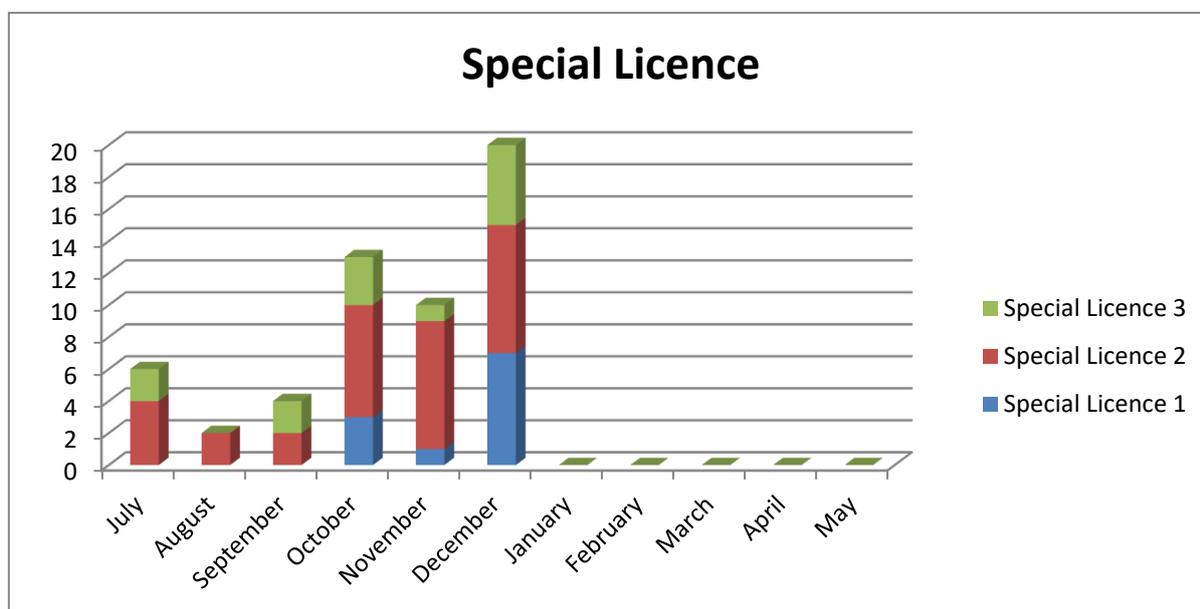
Off License - Renew	11	12
Special License - 1	11	7
Special License - 2	31	70
Special License - 3	13	40
Temporary Authority On	6	6
Temporary Authority Off	2	2
Total	118	176

Special Licenses

A total of 55 Special Licenses were applied for and issued between 1 July 2020 to 31 December 2020, compared with 117 for the same period last year.

30 of the special licenses for this financial year were issued in November and December reflecting an increase in events taking place over the summer period.

Graph 1: Special Licence issued by month (2020)



Most special licenses issued have been for medium events (class 2), where it is expected that up to 400 people will be attending.

Number of people expected at event	Event size	Special licence class
More than 400 people	1 Large	Class 1
Between 100 and 400 people	1 medium event	Class 2
Fewer than 100 people	1 small	Class 3

Manager Certificates (new/renewed)

Manager Certificate issued numbers are similar to the same period last year.

Table 3: Manager Certificates (new/renewed)

Month (2020)	Managers Certificate		Total	Month (2019)	Managers Certificate		Total
	New	Renewal			New	Renewal	
July	13	24	37	July	22	23	45

August	16	9	25	August	20	25	45
September	9	16	25	September	23	31	54
October	16	28	44	October	18	10	28
November	27	26	53	November	6	47	53
December	16	12	28	December	18	4	22
Total	97	115	212	Total	107	140	247

Objections

During the period of 1 July 2020 – 31 December 2020 the following objections were received for applications.

Application Date	Application Type	Trading Name	Number of Objections	Outcome
14/07/2020	Renewal of ON Licence	Pipi Patch	One public objection from – objecting to hours in which alcohol is sold and the noise that comes from this premises One public objection – objecting due to noise that comes from this premises No opposition from Police or MoH	Inspector is investigating if applicant can mitigate the concerns raised by the objectors. If the concerns cannot be mitigated the inspector will complete their report and send this to the DLC who will decide when a DLC hearing is held.
13/08/2020	OFF Licence	Awanui Wine & Spirits	One public objection – objecting due to object of the act, proposed days and hours of business, amenity and good order and the appropriateness of the proposed systems. One public objection – objecting due to suitability of the applicant, proposed design and layout of premises, object of the act One public objection from – objecting due to object of the act, amenity and good order. No opposition from Police. MoH provided a report in opposition to the application.	Applicant requested to withdraw the application on 26 November 2020. All objectors were notified of the withdrawal.
30/09/2020	OFF Licence	Far North Wine & Spirits	One public objection – objecting due to location of the proposed business, hours of operation and location to sensitive site being a day care in proximity. One public objection from – objecting due to sale of alcohol solely for profit. One public objection from – objecting due to object of the act. One public objection from – objecting due to object of the act. No opposition from Police or MoH.	DLC Hearing set for 12 March 2021.
09/10/2020	ON Licence	Tuatua Tavern	One public objection – objecting to application due to object of the act, suitability of the applicant and inadequate systems, staffing and training processes	DLC hearing held on 18 December 2020. DLC decision dated 12 January 2021 to decline application.

			Police and MoH also provided reports in opposition to this application – objecting due to object of the act and inadequate systems, staffing and training processes	Objector and agencies notified of DLC decision on 13 January 2021.
09/10/2020	OFF Licence	Tuatua Tavern	One public objection– objecting to application due to object of the act, suitability of the applicant and inadequate systems, staffing and training processes	Applicant withdrew application on 18/10/2020. Objector was notified that application was withdrawn.
09/10/2020	OFF Licence	Reel Liquor	One public objection– objecting due to proposed hours of operation, amenity and good order, design and layout of proposed premises, appropriate systems, staff and training to comply with the law and the object of the act. One public objection from– objecting due to object of the act, the days and hours proposed, appropriate systems, staff and training. One public objection from– objecting due to amenity and good order and object of the act. No reports in opposition received from MoH, Police or FENZ.	Applicant withdrew application on 20 November 2020. All objectors notified of withdrawal.
19/10/2019	Variation of ON Licence	Duke Tavern	One public objection – objecting due to amenity and good order One public objection – objecting due to amenity and good order	DLC Hearing held on 20 August 2020. DLC decision dated 4 September 2020 to decline application. Objectors were notified of the DLC decision.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial or other resource implications regarding this report.

ATTACHMENTS

Nil

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.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low Significance – this matter does not meet the criteria/threshold for a matter of significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Sale and Supply of Alcohol Act 2012 Local Government Act 2002 LTP Community Outcomes: Communities that are healthy, safe, connected and sustainable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District Wide Significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Information report only
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

5.3 BCA REGULATORY COMPLIANCE UPDATE

File Number: A3067053

Author: Trent Blakeman, Manager - Building Services

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an update on the current state of the Building Consents Authority's (BCA's) compliance with the statutory time frames relating to compliance with the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).

EXECUTIVE SUMMARY

The BCA have an approved work plan that has been submitted to IANZ to clear the remaining non-compliances for the audit in October 2020. The first body of evidence will be provided to IANZ by 5 February 2021. This will allow time for IANZ to assess the information provided and for the BCA to provide further evidence if IANZ requires it, before the 12 March deadline for clearing the General Non-Compliances (GNC's).

The BCA starts the new year and third quarter with an overall 99.6% compliance and showing a 100% monthly compliance rate since September 2020 for building consents. CCC compliance is at 98.6%, with 100% compliance since September (with the one exception, a single CCC in December that went over time. The BCA have analysed the over run and found a blind spot in the reporting for CCC's. This occurred due to changes made during the IANZ audit which have improved CCC compliance greatly but created a reporting blind spot on supervised CCC inspections and re-checks. The team currently have a manual process in place to check the status of the above while they work with the IT team to find a long-term fix either using the BI system or pathways dashboards.

The BCA recently filled four vacancies; two of these are to provide support in the inspectorate, one for the administration team and another for the processing team. While it will take time for the new team members to be trained, this will only add to the BCA's capacity requirements in the long term.

Online services launched on 1 October 2020 providing an electronic portal to lodge building consent applications. This was implemented as a soft launch in order to afford the BCA an opportunity to work through the process and identify any adjustments required to ensure continued compliance and continuity of service. The development team have provided ongoing support outside of their project scope to provide adjustments, education and training. The BCA looks forward to the new system fulfilling its potential and providing increased visibility to customers engaged in the consent application process.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report BCA Regulatory Compliance Update.

BACKGROUND

International Accreditation New Zealand (IANZ) has been appointed by the Ministry for Business, Innovation and Employment (MBIE) as the accreditation body that undertakes accreditation assessments against the requirements of the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations). These requirements are further detailed in MBIE's regulatory guidance for Building Consent Authorities (BCA), and Accredited Organisations (AO) accredited under the Regulations.

One of the metrics used to measure the performance of the BCA function is its ability to perform certain tasks within a statutory time frame (20 days). This is one of the few metrics that can be measured without the need for audit. The timeframes for processing of Building Consents (BCs) and

issuing Code Compliance Certificates (CCC's) are tracked using the Business Intelligence system (BI).

DISCUSSION AND NEXT STEPS

The BCA is currently focused on retaining the 100% compliance for both BC's and CCC's in the day to day running of the business, while providing to IANZ the evidence required in the approved work plan to clear the remaining GNC's and renew our BCA certification for the next two years.

With current recruitment processes complete, new team members will undergo training and development in their given fields to become valued team members providing service to our community.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications attached to this report

ATTACHMENTS

Nil

6 PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Confirmation of Previous Minutes - Public Excluded	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

8 MEETING CLOSE