



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Regulatory Compliance Committee Meeting

Tuesday, 23 March 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 Kaunihara 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 (e.g 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 bookkeeping, 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			
	Te Hiku Education Trust	Trustee		
	Te Ahu Charitable Trust	Trustee		
	ST Johns Kaitaia Branch	Trustee/ Committee Member		
	Te Hiku Sports Hub Committee			
	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 23 March 2021 at 1.00 pm

Order of Business / Te Paeroa Mahi

1	Karakia Timatanga – Opening Prayer.....	13
2	Apologies and Declarations of Interest.....	13
3	Deputation.....	13
4	Reports.....	14
	4.1 Confirmation of Previous Minutes.....	14
5	Information Reports.....	19
	5.1 Update on Resource Management Act Legislation.....	19
	5.2 Regulatory Compliance Committee Update - Resource Consents.....	25
6	Karakia Whakamutunga – Closing Prayer.....	33
7	Meeting Close	33

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 REPORTS

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3110350

Author: Marlema Baker, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

TE TAKE PŪRONGO / 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.

NGĀ TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 9 February 2021 are a true and correct record.

1) TE TĀHUHU KŌRERO / 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) TE MATAPAKI ME NGĀ KŌWHIRINGA / 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.

Te Take Tūtohunga / 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) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

NGĀ ĀPITIHINGA / ATTACHMENTS

1. 2021-02-09 Regulatory Compliance Committee Minutes - A3079272 [↓](#) 

Te Hōtaka Take Ōkawa / 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.

He Take Ōkawa / Compliance requirement	Te Aromatawai Kaimahi / 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 (for example – youth, the aged and those with disabilities).	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, 9 FEBRUARY 2021 AT 1.00 PM**

PRESENT: Cr Kelly Stratford, Cr Dave Collard, Cr David Clendon, Cr John Vujcich, Member Adele Gardner, Bay of Islands-Whangaroa Community Board Belinda Ward,

IN ATTENDANCE: Shaun Clarke (Chief Executive Officer), Dean Myburgh (General Manager Districts Services), Andy Finch (General Manager Infrastructure and Asset Management), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Janice Smith (General Manager Corporate Services - Acting)

STAFF PRESENT: Rochelle Deane (Manager – Environmental Services), Richard Edmondson (Manager – Communications), Trent Blakeman (Manager – Building Consents), Marlema Baker (Meetings Administrator)

1 KARAKIA TIMATANGA – OPENING PRAYER

Chair Kelly Stratford opened the meeting with a karakia.

2 APOLOGIES AND DECLARATIONS OF INTEREST

COMMITTEE RESOLUTION 2021/1

Moved: Cr John Vujcich
Seconded: Cr Dave Collard

That apologies from His Worship the Mayor John Carter, Deputy Mayor Ann Court and Cr Rachel Smith, be received and accepted.

CARRIED

3 DEPUTATION

No deputations received for this meeting.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3052607, pages 14 - 15 refers

COMMITTEE RESOLUTION 2021/2

Moved: Cr Dave Collard
Seconded: Cr John Vujcich

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 with the following amendment:

- a) Remove Members Adele Gardner and Belinda Ward from the attendance list.**

CARRIED

5 INFORMATION REPORTS

5.1 NOISE CONTROL AND PARKING ENFORCEMENT UPDATE

Agenda item 5.1 document number A3060477, pages 19 - 26 refers

COMMITTEE RESOLUTION 2021/3

Moved: Member Adele Gardner

Seconded: Cr John Vujcich

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

CARRIED

Cr Rachel Smith arrived at 1:33 pm

5.2 ALCOHOL LICENSING UPDATE

Agenda item 5.2 document number A3060592, pages 27 - 32 refers

COMMITTEE RESOLUTION 2021/4

Moved: Cr John Vujcich

Seconded: Cr Dave Collard

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

CARRIED

5.3 BCA REGULATORY COMPLIANCE UPDATE

Agenda item 5.3 document number A3067053, pages 33 - 34 refers

COMMITTEE RESOLUTION 2021/5

Moved: Cr John Vujcich

Seconded: Cr Dave Collard

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

CARRIED

6 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION 2021/6

Moved: Cr John Vujcich

Seconded: Member Adele Gardner

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
CARRIED		

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

8 MEETING CLOSE

The meeting closed at [enter time](#).

The minutes of this meeting were confirmed at the Regulatory Compliance Committee Meeting held on 23 March 2021.

.....
CHAIRPERSON

5 INFORMATION REPORTS

5.1 UPDATE ON RESOURCE MANAGEMENT ACT LEGISLATION

File Number: A3110392

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

TE TAKE PŪRONGO / PURPOSE OF THE REPORT

To update the committee on the Resource Management Reform Process and the COVID-19 Recovery (Fast Track Consenting) Act 2020.

TE WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The Government is reforming the resource management system. It intends to repeal and replace the Resource Management Act 1991 (RMA) – the primary legislation governing the use of our land, water, and air resources, and enacting three new pieces of legislation.

It is intended that there will be provision for councils and other parties to have an input into this process. It is then planned that the bill will be introduced to Parliament in December 2021 and referred to a select committee as part of the normal parliamentary process.

The government expects to have all three new pieces of legislation passed by December 2022 which will, presumably, come into effect by early 2023.

The COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) came into effect on 9 July 2020

The Act is intended to:

- fast-track resource consenting and designation processes for eligible projects that are already planned and ready to go
- accelerate the beginning of work on a range of different sized and located projects
- support certainty of ongoing employment and investment across New Zealand.

This supports the Government's objectives for economic, environmental, and social wellbeing. The new Act will have a 'sunset clause' meaning it will be repealed two years from enactment.

NGĀ TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Update on Resource Management Act Legislation.

1) TE TĀHUHU KŌRERO / BACKGROUND

On 1 July 2019, Cabinet agreed to undertake a comprehensive review of the resource management system and the resource management review was launched by Hon David Parker, Minister for the Environment, on 24 July 2019.

Minister Parker appointed Hon Tony Randerson QC as chair of the Resource Management Review Panel. Rachel Brooking, Dean Kimpton, Amelia Linzey, Raewyn Peart and Kevin Prime were appointed as members.

The Panel was tasked with the initial phase of the review and to work with officials to produce a report containing proposals to reform the RMA by the end of May 2020.

The aim of the review was to improve environmental outcomes and better enable urban and other development within environmental limits. The review had to design a system for land use regulation and environmental protection that is fit to address current and future challenges and support the development of a system that delivers cultural and environmental outcomes for all New Zealanders, including Māori, and improves their wellbeing.

The Covid-19 Recovery Act 2020 came into effect on 9 July 2020 and has a two-year life span. It provides for a fast track consenting process as an alternative to making an application under the RMA. The Act specifies several projects (in Schedule 2 to the Act) which will go through this process. This schedule includes a project in the Far North District being the Matawii Water Storage Reservoir at Kaikohe and an addition to a Papakāinga Development in Kaitaia.

Other projects can apply to be considered under this process through the Order in Council procedures. In September 2020 there was an application for consideration received from Te Tai Tokerau Water Trust - for the proposed Te Ruaotehauhau Reservoir Dam in the Far North District to go through the fast track consenting process.

2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The Government is delivering on its promise to reform the Resource Management system based on the comprehensive review carried out last year.

Environment Minister David Parker confirmed on 10 February 2021 that the Resource Management Act 1991 (RMA) will be repealed and replaced with new laws this parliamentary term.

The three new Acts will be the:

- **Natural and Built Environments Act** (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the RMA)
- **Strategic Planning Act** (SPA) to integrate with other legislation relevant to development, and require long-term regional spatial strategies
- **Climate Change Adaptation Act** (CAA) to address complex issues associated with managed retreat and funding and financing adaptation.

The new laws reportedly are expected to improve the natural environment, enable more development within environmental limits, provide an effective role for Māori, and improve housing supply and affordability.

Planning processes are also to be simplified with costs and time reduced.

Other key changes include stronger national direction and one single combined plan per region. There is also to be more of a focus on natural environmental outcomes and less on subjective amenity matters that favour the status quo. Better urban design will also be pursued.

Under the NBA there will be a mandatory set of national policies and standards to support the natural environmental limits, outcomes and targets specified in the new law. These will be incorporated into combined regional plans prepared by local and central government and mana whenua.

The existing 100-plus RMA council planning documents will be reduced to about 14.

The Strategic Planning Act will integrate functions under the RMA, Local Government Act 2002, Land Transport Management Act 2003, and the Climate Change Response Act 2002 to enable clearer and more efficient decision-making and investment.

New spatial strategies will enable regions to plan for the wellbeing of future generations, ensuring development and infrastructure occurs in the right places at the right times.

These changes are intended to build on the National Policy Statement for Urban Development released last year that directs councils to make room for growth both 'up' and 'out'.

To pass this legislation in the current term, Cabinet has agreed to:

- use a special process for the NBA by developing an exposure draft by May 2021 for consideration by a select committee inquiry. A Bill is intended to be formally introduced into Parliament in late 2021 and passed by late 2022
- establish a Ministerial Oversight Group to work through policy details needed to progress the NBA and other legislation
- engage with iwi/Māori to refine policy options as proposals are developed
- engage with local government and other experts to ensure high quality advice is available

The expectation that there will be a maximum of 14 new unitary style plans indicates that there will be one plan for each region. In that case there is likely to be a push for the administration to be carried out by one authority possibly along the lines of the NTA to ensure more consistent and efficient processing of consents.

Council is currently reviewing its District Plan under the current RMA regime. Given that it is likely to be some time before the new style unitary plans are prepared and come into effect it seems appropriate to continue with the District Plan review process although this may depend on advice/direction from government.

Covid-19 (Fast-track Consenting) Act 2020

Matawii Water Storage Reservoir

- The Matawii Water Storage Reservoir is intended to provide drinking water for Kaikohe, and to support the development of Northland's agriculture and horticulture sector.
- The applicant, Te Tai Tokerau Water Trust, sought consents related to earthworks, land use and water, including for the taking and damming of water.

On 23 October 2020 the Matawii Expert Consenting Panel granted resource consent with subject conditions. This was the first project approved under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

Following the release of the Final Report and Decision, the Expert Consenting Panel received two requests for minor corrections under clause 40 Schedule 6 of the Fast-track Consenting Act 2020. The panel accepted the requested amendments and has issued a decision relating to those amendments (20 November 2020) and set conditions.

Papakāinga Development – Kaitaia

This project is for the addition of 24 new dwellings to an existing Papakāinga at 23 Kohuhu Street, Kaitaia.

There have been some delays in the application being lodged. In November 2020 the applicant decided to lodge a draft for a pre-lodgement review. At the time of writing this report a final application had not been lodged.

Te Take Tūtohunga / Reason for the recommendation

It is important the Committee is updated when this information comes through.

3) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

NGĀ ĀPITIHINGA / ATTACHMENTS

Nil

Te Hōtaka Take Ōkawa / 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.

He Take Ōkawa / Compliance requirement	Te Aromatawai Kaimahi / 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.	Resource Management Act 1991 Resource Management Amendment Act 2020 Covid-19 Recovery Act 2020 FNDC District Plan LTP Community Outcomes: <ul style="list-style-type: none"> • Communities that are healthy, safe, connected, and sustainable. • Prosperous communities supported by a sustainable economy A wisely managed and treasured environment that recognises the special role of tangata whenua as kaitiaki
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	FNDC Community. Ministry for the Environment.

– youth, the aged and those with disabilities).	
State the financial implications and where budgetary provisions have been made to support this decision.	There is no Financial Implications related to this report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

5.2 REGULATORY COMPLIANCE COMMITTEE UPDATE - RESOURCE CONSENTS

File Number: A3110471

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Authoriser: Dean Myburgh, General Manager - District Services

TE TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update to the committee on Resource Consents.

The report covers:

- The number of resource consent applications received and issued
- The number of s92 (requests for further information)
- The number of s37 (extensions of time)
- The number of s88 (applications rejected)
- Status of discounts
- Report on implementation of regulatory matters arising from Mana Whakahono-ā-rohe under RMA Management
- Environmental Court issues
- Vision 20/20 update

TE WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Significant progress has been made by the FNDC Resource Consent team with processing consent applications within the statutory timeframes over the past year.

These improvements have been achieved despite the high number of applications still being received, irrespective of the Covid-19 pandemic.

Most consent applications are received for the Kerikeri and Northern areas.

As a result of processing applications within statutory time frames, discounts applied to processing fees for applicants is significantly lower reducing loss of revenue for the Council.

NGĀ TŪTOHUNGA / RECOMMENDATION

That the Regulatory Compliance Committee receive the report Regulatory Compliance Committee Update - Resource Consents.

TE TĀHUHU KŌRERO / BACKGROUND

The Resource Management Act 1991 (RMA) sets the number of working days that are allowed for each step of processing and making decisions on resource consent applications.

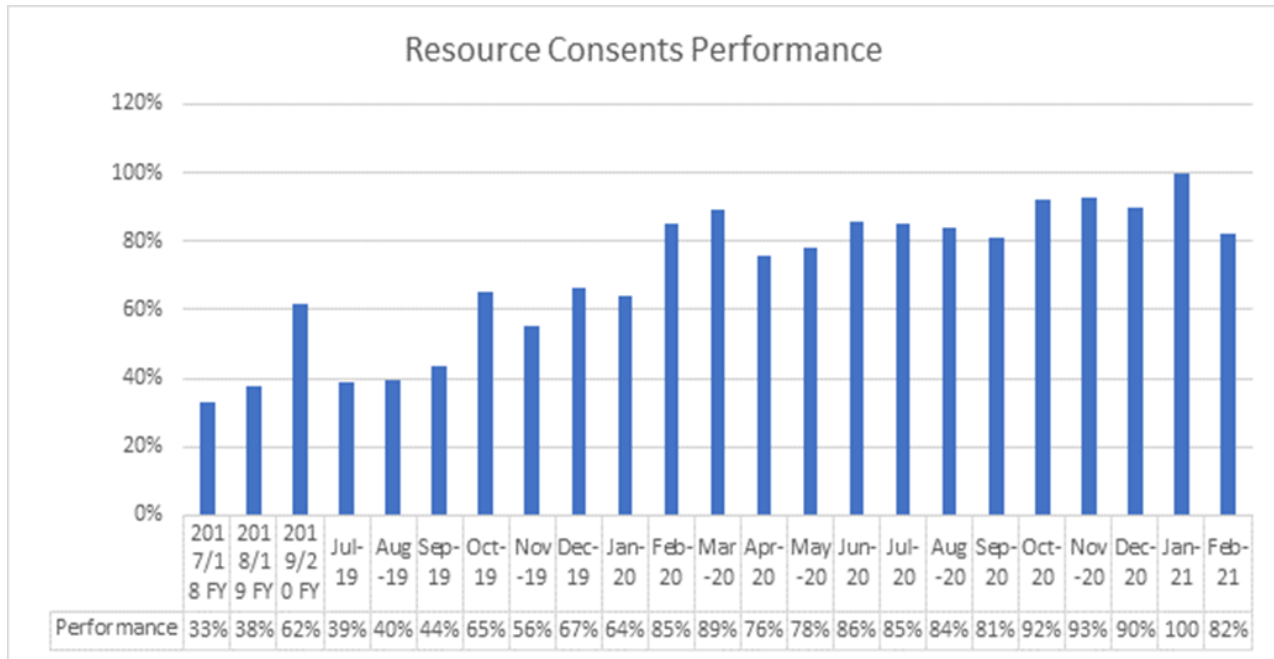
The pathways and timeframes are different depending on the type of consent and how complex it is. The Council has 20 working days to process an application. This timeframe is often put on hold or extended when the Council asks for further information (pursuant to Section 92 of the RMA) or if the Council gives notice that it is extending the usual timeframe (pursuant to Section 37 RMA)

Processing an application within the statutory time frames set by the Resource Management Act 1991 (RMA) is vital. The onus is on councils to make sure time limits are met, which is particularly important considering the Discount Regulations (1% discount per day over, up to 50%). In addition, there is also a requirement to ensure that any process is timely, efficient, consistent, and cost effective to 'avoid unreasonable delay'.

In 2019 the Council received notice from the Minister for the Environment advising that the Far North District Council were not meeting their statutory requirements under the Resource Management Act.

A Project named *Vision 20/20* was launched to improve efficiencies and effectiveness of the resource consent process from end to end in the Councils Pathway system. This project has helped to lift the profile of resource consents and is one of the driving forces to process applications on time.

In addition, a drive to fill internal vacancies, increasing administration support, better management of external consultants and most of all a commitment within the team haven driven statutory time frames to be consistently met.



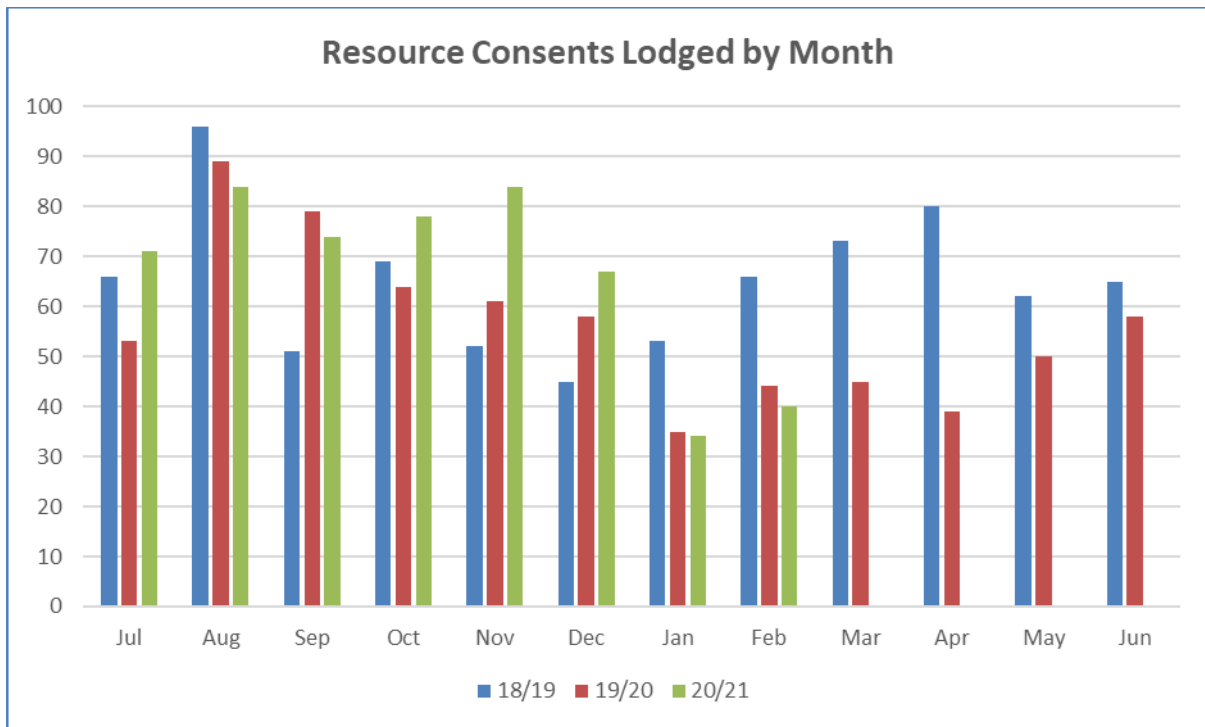
Note: At the time of writing BI reporting was capturing rejected applications within performance and graph could not be updated. February 2021 performance was 82%.

TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Note: New BI reporting captures RMA applications only (including variations). Certificates, permits and licenses are not captured, so historical total numbers may differ to previous reports.

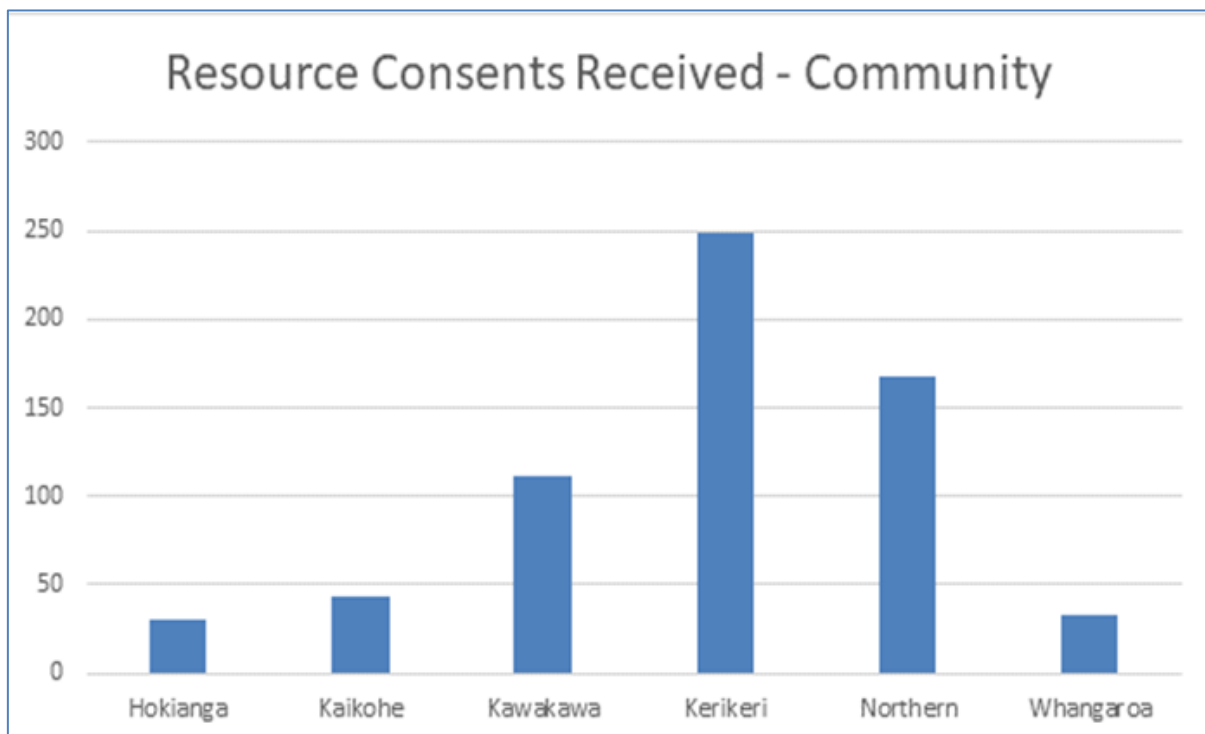
Number of Resource Applications Received

There have been 532 resource consent applications received between 1 July 2020 to the end of February 2021. This is nearly 50 more applications received than for the same period last year (pre-Covid).



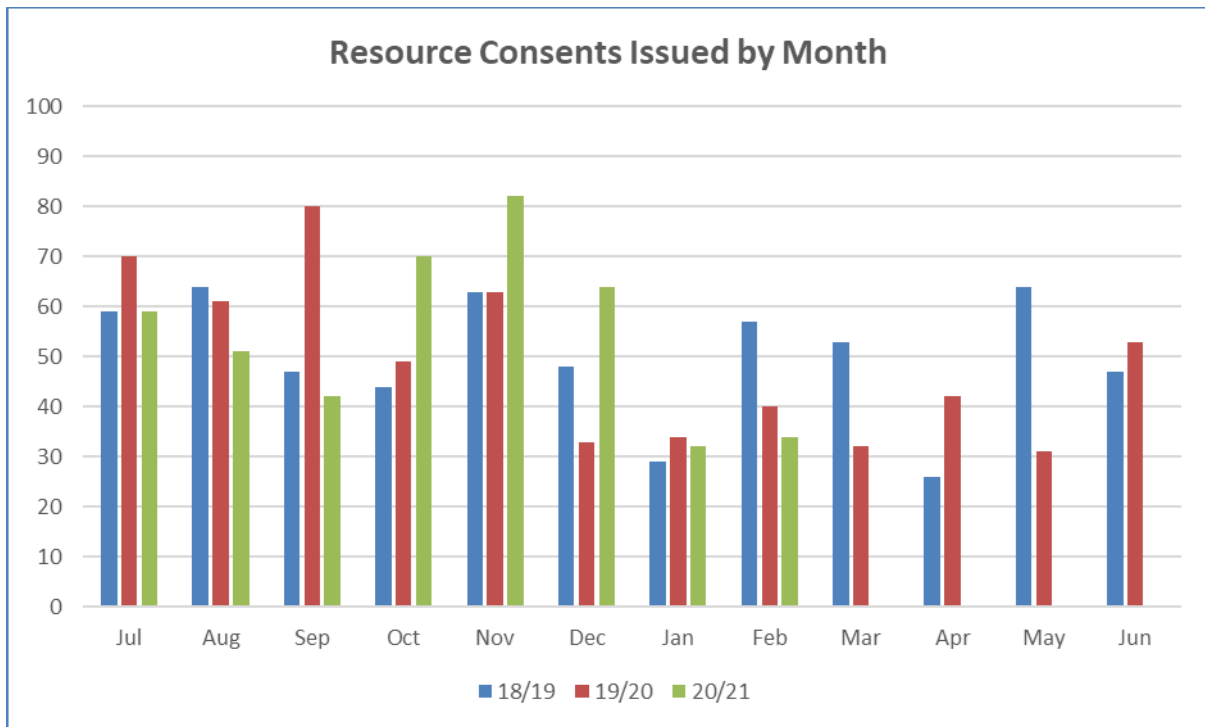
Between 1 July 2020 and 28 February 2021 most consent applications received have been for the Kerikeri and Northern areas.

Resource Consent Received by Community 20/21



Number of Resource Consents issued

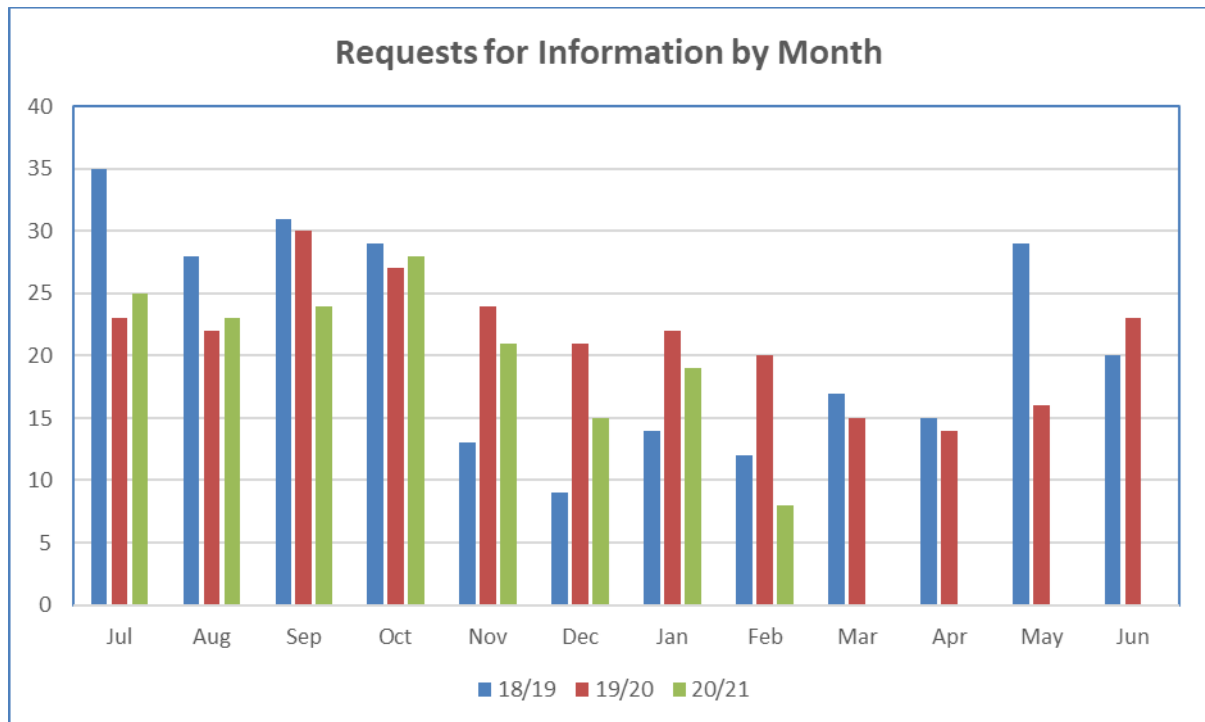
434 Resource Consents issued between 1 July 2020 and 28 February 2021, four more than for the same period being pre-Covid in 2019/2020.



The number of s92 (requests for further information)

Section 92 (s92) of the RMA allows Councils to request further information from an applicant before making the decision to refuse or grant consent. It can also be used to commission a specialist’s report. A s92 RMA request is made where there is not adequate information to decide on the proposal; applicants need to provide further information to fully understand what is proposed and how these fit with planning rules, objectives, and policies.

163 requests for further information have been made between 1 July 2020 and 28 February 2021, which is over 25 less than the previous year for the same period despite receiving higher application numbers.



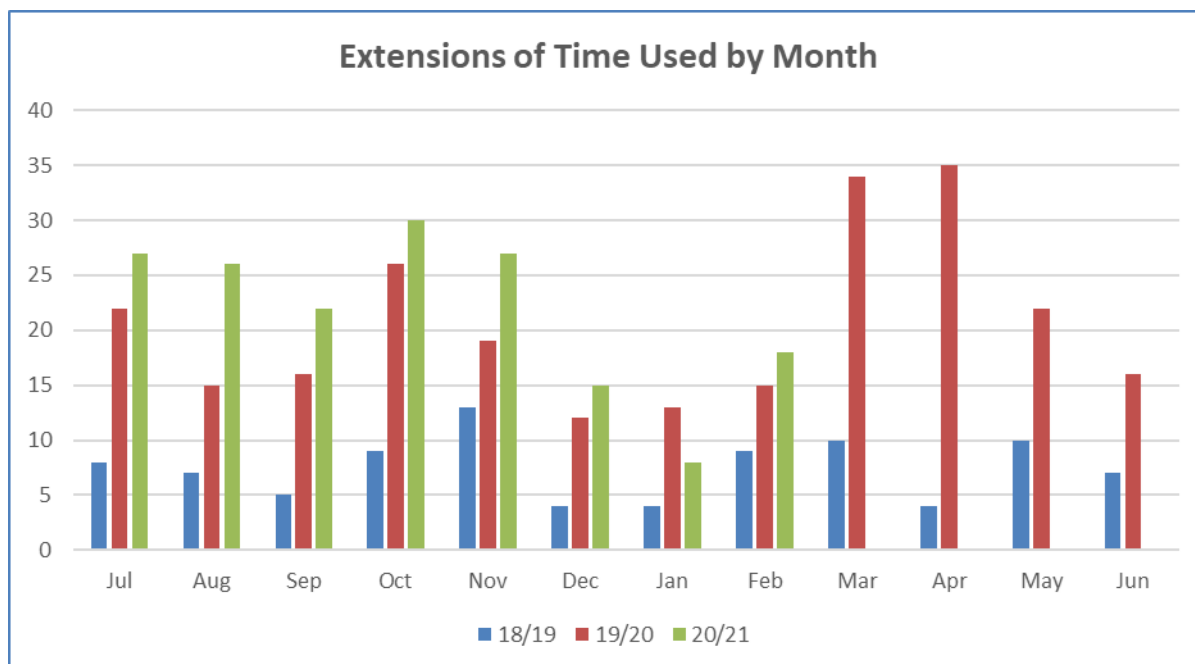
The number of s37's (extensions of time)

Section 37 allows council to extend the time specified in the RMA.

Under s37a (4), a council can extend a time limit (relating to the stated resource consent matters) for up to double the maximum period specified in the RMA when:

- special circumstances apply (including special circumstances existing by the scale and complexity of the matter); or
- the applicant agrees to the extension.

The high number of applications on s37 hold during the months of March and April 2020 reflects the Covid-19 lock down period where many applications could not be further processed or completed due to Planners and/or Engineers unable to conduct site visits.



The number of s88 (applications rejected)

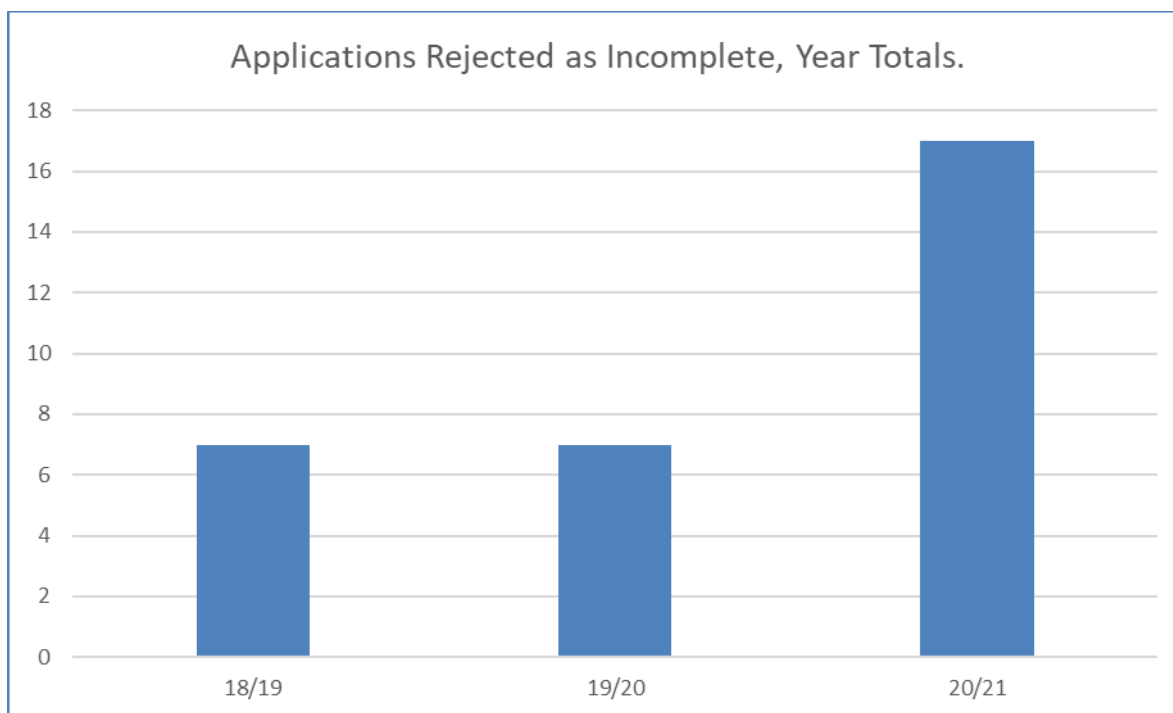
Section 88 and Schedule 4 of the RMA state what information an application and supporting Assessment of Environmental Effects (AEE) must contain to be considered complete and therefore acceptable to be processed. The RMA provides a 10-working day timeframe to assess the application under s88 to determine whether it is complete or return it as “incomplete”.

If a Council determines that the application is incomplete, they will contact the applicant within 10 working days of lodgement with written reasons for the decision. Then, if the applicant decides to lodge the application again, it is treated as a completely new application - with a new, and later, lodgement date.

There have been 17 s88 rejected applications so far, this financial year compared to only seven applications being rejected in total for the previous two years.

Until recently many incomplete applications had been placed on hold to awaiting correct information, and lodgement dates amended, rather than rejected and required to relodge.

Recently, problems caused by deficient applications (apportioning delays and costs to council) have caused a change in this process and all applications that do not satisfy the s.88/Schedule 4 requirements are returned and applicants must reapply.



Please note that the 2020/21 data only includes July 2020 - February 2021

Status of Discounts

The Resource Management (Discount on Administrative Charges) Regulations 2010 require local authorities to provide a discount for resource consent applications not processed within the statutory timeframes set out in the RMA. The discount set out by the regulations is 1% per day, up to a maximum of 50 working days.

Discounts applied to consent processing for 2020/2021 to the end of February is \$41,734.99. For the same period last year there had been \$176,299.82 applied. This amount is reflective of meeting statutory time frames.

Total RC Discounts GST Inclusive		
Month	2019/2020	2020/2021
July	\$23,700.54	\$11,085.28
August	\$37,613.32	\$7,503.62
September	\$52,565.73	\$1,241.74
October	\$25,712.91	\$7,167.38
November	\$8,280.86	\$3,594.05
December	\$16,277.25	\$2,147.36
January	\$1,922.63	\$8,462.86*
February	\$10,226.58	\$532.70
Total	\$176,299.82	\$41,734.99
March	\$2,604.72	
April	\$1,054.25	
May	\$3,222.42	
June	\$1,746.69	
Year End Total	\$184,927.90	

***\$6,489.28 of this total was due to consultant processing where 50% of their fee was reimbursed, although not reflected in the discounts, it will be reflected in revenue.**

Environment Court Issues

An Environment Court matter (Seafort Holdings Limited vs. FNDC) has been directed for an appeal against objection to fees for the processing of a Resource Consent application, charged under s358 of the RMA.

The Arvida Stage 2 hearing for a large retirement village at the end of Hall Road was held on the 9th and 10th September 2020 and chaired by independent commissioners Alan Watson and Fraser Campbell. There were seven submissions received with three providing conditional support and four in opposition including three residents' groups. The application was approved subject to conditions and no appeals have been lodged.

A further hearing was held on 19th October in relation to a five-lot subdivision at Totara North which was opposed by an adjoining landowner with concerns over access. The subdivision was approved by independent commissioner Bill Smith with several conditions imposed to alleviate the neighbour's concerns. No appeal was lodged.

Mana Whakahono ā Rohe

The purpose of a Mana Whakahono ā Rohe is —

- a) to provide a mechanism for iwi authorities and local authorities to discuss, agree, and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under this Act; and
- b) to assist local authorities to comply with their statutory duties under this Act, including through the implementation of sections 6(e), 7(a), and 8.

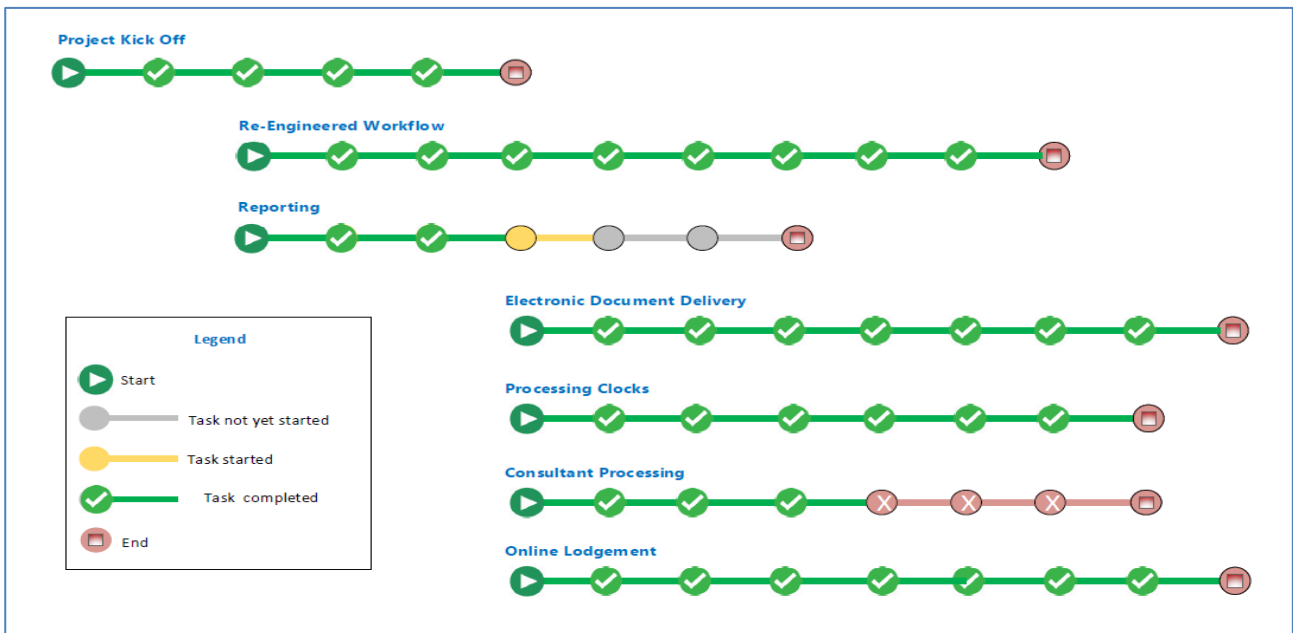
Whakahono ā Rohe came in the amendments to the Resource Management Act in 2017.

Initiating a Mana Whakahono agreement is up to the individual Iwi Authority. However, to date there have been no agreements initiated in the Far North.

When an Iwi Authority starts this process, they go through the Te Hono Team. Once any agreements are reached under this section the Resource Consents Team then have a function as the team that processes consents.

Vision 2020 Update

The *Vision 20/20* process renovation project was aimed to improve the processing of resource consents by improving systems efficiency and implementing new technology solutions to enable better processing times and customer service. The project is now largely complete, with ongoing monitoring of milestones.



The delivery of these completed milestones is now benefitting the processing planners, however to date there has been no significant decrease in the workload for RMA Support. This is largely due to the slow uptake of online lodgments of applications and the Consultant processing improvement milestone remaining undelivered.

Milestone 3: Reporting.

Vision 2020 included a milestone for business intelligence reporting, which has been delayed until the IS Electronic Data Warehouse (EDW) build is completed, which is estimated to be end of April 2021. IS has delivered an interim solution trial dashboard allowing for ongoing reporting, which was rolled out to the team in February.

Milestone 6: Consultant Processing

Concerns were raised regarding data security and conflicts of interest by allowing consultants access to council programs. Administration are looking for other efficiencies that can be worked through with consultants and this milestone will either be rescope or deleted.

Milestone 7: Online lodgement: Practitioners continue to be reminded about the new process and encouraged to use this method for their next application. IT Project Managers are also contacting practitioners directly to walk them through the online lodgements process.

NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

NGĀ ĀPITI HANGA / ATTACHMENTS

Nil

6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

7 MEETING CLOSE