



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Ordinary Council Meeting

Thursday, 20 May 2021

Time: 10.00 am
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Mayor John Carter - Chairperson
Deputy Mayor Ann Court
Cr David Clendon
Cr Dave Collard
Cr Felicity Foy
Cr Mate Radich
Cr Rachel Smith
Cr Kelly Stratford
Cr Moko Tepania
Cr John Vujcich

COUNCIL MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon Mayor John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
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
	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, considered

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
				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.
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			
David Collard	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
Felicity Foy	Flick Trustee Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties Seaview Road – Cable Bay, and Allen Bell Drive - Kaitia.		
	Elbury Holdings Limited	This company is directed by my parents Fiona and Kevin King.	This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and dwellings are located in the Far North at Kaimaumau, Bird	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight and Allen Bell Drive.	
	Foy Farms Partnership	Owner and partner in Foy Farms - a farm on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for 7 dwellings on Church Road, Kaingaroa and 2 dwellings on Allen Bell Drive, Kaitaia, and 1 property on North Road, Kaitaia, one title contains a cell phone tower.		
	King Family Trust	This trust owns several titles/properties at Cable Bay, Seaview Rd/State Highway 10 and Ahipara - Panorama Lane.	These trusts own properties in the Far North.	
	112 Commerce Street Holdings Ltd	Owner of commercial property in Commerce Street Kaitaia.		
	Foy Property Management Ltd	Owner of company that manages properties owned by Foy Farms Rentals and Flick Family Trust.		
	Previous employment at FNDC 2007-16	I consider the staff members at FNDC to be my friends		
	Shareholder of Coastline Plumbing NZ Limited			
Felicity Foy - Partner	Director of Coastal Plumbing NZ Limited			
	Friends with some FNDC employees			
Mate Radich	No form received			
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		
	Vision Kerikeri	Financial Member		
	Property Owner	Kerikeri		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Rachel Smith (Partner)	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
	Vision Kerikeri	Financial Member		
	Town and General Groundcare Limited	Director, Shareholder		
Kelly Stratford	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
Moko Tepania	Teacher	Te Kura Kaupapa Māori o Kaikohe.	Potential Council funding that will	Declare a perceived conflict

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			benefit my place of employment.	
	Chairperson	Te Reo o Te Tai Tokerau Trust.	Potential Council funding for events that this trust runs.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Te Rarawa	As a descendent of Te Rarawa I could have a perceived conflict of interest in Te Rarawa Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Whaingaroa	As a descendent of Te Rūnanga o Whaingaroa I could have a perceived conflict of interest in Te Rūnanga o Whaingaroa Council relations.	Declare a perceived conflict
	Tribal Member	Kahukuraariki Trust Board	As a descendent of Kahukuraariki Trust Board I could have a perceived conflict of interest in Kahukuraariki Trust Board Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga ā-Iwi o Ngāpuhi	As a descendent of Te Rūnanga ā-Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-Iwi o Ngāpuhi Council relations.	Declare a perceived conflict
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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	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

Far North District Council
Ordinary Council Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Thursday 20 May 2021 at 10.00 am

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / 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 Council 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

- Doug Cowie – Comm Unity Kiwi

4 NGĀ KŌRERO A TE KOROMATUA / MAYORAL ANNOUNCEMENTS

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3186894

Author: Marlema Baker, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

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

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) confirms the minutes of the Council meeting held on 08 April 2021 as a true and correct record.
- b) confirms the minutes of the Extraordinary Council meeting held on 4 May 2021 as a true and correct record.
- c) confirms the minutes of the Council meeting held on 13 May 2021 as a true and correct record.

1) TĀHUHU KŌRERO / BACKGROUND

Local Government Act 2002 Schedule 7 Section 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) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The minutes of the meetings 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.






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 meetings.

3) 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. 2021-04-08 Council Minutes - A3145086  
2. 2021-05-04 Council Extraordinary Meeting - A3174457  
3. 2021-05-13 Council Minutes (under separate cover) - A2935373 (under separate cover) 

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 for 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 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
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 8 APRIL 2021 AT 10.00 AM**

PRESENT: Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy, Cr Mate Radich, Cr Rachel Smith, Cr Moko Tepania, Cr John Vujcich

IN ATTENDANCE: Emma Davis (Kaikohe-Hokianga Community Board Deputy Chairperson), Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board)

STAFF PRESENT: Shaun Clarke (Chief Executive Officer), Andy Finch (General Manager Infrastructure and Asset Management), Dean Myburgh (General Manager District Services), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Jacine Warmington (General Manager - Corporate Services - Acting)

1 KARAKIA TIMATANGA – OPENING PRAYER

His Worship the Mayor commenced the meeting with a prayer.

2 APOLOGIES AND DECLARATIONS OF INTEREST

RESOLUTION 2021/21

Moved: Mayor John Carter

Seconded: Cr Felicity Foy

That apologies from Cr Kelly Stratford be received and accepted.

CARRIED

3 DEPUTATION

Nil

4 MAYORAL ANNOUNCEMENTS

- Acknowledged Councillor Smith for her presentation as a Young Elected Member at the Northland Forward Together hui in Whangarei last week.
- Acknowledged Councillor Stratford on her appointment as a Ministerial Advisory on the National Emergency Advisory Committee.
- Acknowledged and passed on the Councillors support to Honourable Kiritapu Allan.
- Acknowledges Councillor Vujcich for the work that he is doing on Community Boards.

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.1 document number A3127874, pages 12 - 26 refers.

RESOLUTION 2021/22

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council:

- a) **confirms the minutes of the Council meeting held on 23 February 2021 as a true and correct record.**
- b) **confirms the minutes of the Council meeting held 25 February 2021 as a true and correct record.**
- c) **confirms the minutes of the Extraordinary Council meeting held on 5 March 2021 as a true and correct record.**

CARRIED

Note: Amendments to minutes

Page 19 – Item 4.5 – Amendment to Rating Delegations, Cr Smith abstained from voting.

Page 20 – Item 5.1 – Community Board Updates January – February 2020. Belinda Smith (Bay of Islands-Whangaroa Community Board Chairperson) requests that the wording be changed from “Pg. 101 requesting urgent report on existing to give effect to levels of services in the Bay of Islands-Whangaroa ward” to *“Pg. 101 requesting urgent report on existing Far North District Council contracts to give effect to levels of services in the Bay of Islands-Whangaroa ward”*.

6 REPORTS

6.1 SOLID WASTE BYLAW REVIEW

Agenda item 6.1 document number A3127952, pages 27 - 79 refers.

RESOLUTION 2021/23

Moved: Deputy Mayor Ann Court

Seconded: Cr Dave Collard

That Council:

- a) **agree, under section 155(1) of the Local Government Act 2002, the Solid Waste Bylaw 2016 is the most appropriate way of addressing solid waste problems in the Far North District.**
- b) **agree, under section 155(2) of the Local Government Act 2002, the Solid Waste bylaw 2016:**
 - i) **is the most appropriate form of bylaw.**
 - ii) **does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- c) **agree the provisions of the Solid Waste Bylaw be reassessed in conjunction with the Waste Management and Minimisation Plan review, which is due by 2023, or after central government legislation comes into effect.**

CARRIED

Note: request the Chief Executive Officer take this topic - Roadside Recycling (bag options), to the Regional Waste workstream for discussion within the Regional Waste Strategies policy.

Note: request the Chief Executive Officer provide timeframes for the establishment of a governance group on Regional Waste Strategies.

6.2 HIHI WASTEWATER TREATMENT PLANT CAPITAL WORKS BUSINESS CASE

Agenda item 6.2 document number A3127943, pages 80 - 87 refers.

MOTION

Moved: Cr Felicity Foy
Seconded: Cr Dave Collard

That Council:

- a) approves the detailed business case preferred Option 3 – Membrane Bio Reactor, to be located on the existing Hihi Wastewater Treatment Plant site to be advanced to-community consultation and Iwi consultation.
- b) notes the potential cost of the preferred option and the impact upon rates.

The meeting was adjourned from 11.24 am to 11.42 am.

AMENDMENT

Moved: Cr Felicity Foy
Seconded: Cr Dave Collard

That Council:

- a) acknowledge the current risk being carried at Hihi Wastewater Treatment Plant.
- b) direct staff to consult with Iwi and the Hihi community on most sustainable and affordable future focused solution (with consultation to begin by May).
- c) direct staff to evaluate short term mitigation while the long-term solution is being developed.

CARRIED

Against: Cr Rachel Smith

The amendment became the substantive motion

RESOLUTION 2021/24

Moved: Cr Felicity Foy
Seconded: Cr Dave Collard

That Council:

- a) **acknowledge the current risk being carried at Hihi Wastewater Treatment Plant.**
- b) **direct staff to consult with Iwi and the Hihi community on most sustainable and affordable future focused solution (with consultation to begin by May).**
- c) **direct staff to evaluate short term mitigation while the long-term solution is being developed.**

CARRIED

Against: Cr Rachel Smith

6.3 NORTHLAND TRANSPORTATION ALLIANCE (NTA) - RESOURCING REQUEST - SUPPORTING DELIVERY OF 2021/24 LONG TERM PLAN TRANSPORT PROGRAMMES

Agenda item 6.3 document number A3112133, pages 88 - 107 refers.

RESOLUTION 2021/25

Moved: Deputy Mayor Ann Court

Seconded: Cr Felicity Foy

That Council:

- a) notes the significant increase in District and Regional Transportation budgets since the beginning of the 2018/21 Long Term Plan cycle.
- b) notes the additional employment related costs incurred through the additional FTE's is offset through job costed recoveries and does not result in any additional increase to proposed transportation budgets within the 2021/24 LTP.
- c) notes the proposal acknowledges and accounts for indicated risk to available National Land Transport Fund Funding.
- d) approves the recruitment of three (3) additional FTE's to be employed by FNDC as a component of the total nine (9) FTE's to be recruited into the Northland Transportation Alliance to support delivery of the 2021/24 Northland Council's Transportation programme.

.CARRIED

Notes:

Request Northland Transport Alliance and the Far North District Council Consents department provide information or reports on upgrading Council Roads and vesting of new roads to Council.

Amendments to the report: Page 89, the table should read:

Department	Position	Hiring Council
Asset Strategy & Management	Asset Manager	WDC
<i>Asset Strategy & Management</i>	<i>Graduate Asset Engineer</i>	<i>FNDC</i>
Road Safety & Traffic Engineering	Senior Development Engineer, Transportation	WDC
<i>Road Safety & Traffic Engineering</i>	<i>RSAP Program Manager</i>	<i>FNDC</i>
Road Safety & Traffic Engineering	Graduate Transportation Engineer	FNDC KDC
<i>Maintenance & Operations</i>	<i>CAR Specialist</i>	<i>FNDC</i>
Maintenance & Operations	Regional Field Compliance Assessor	WDC
Maintenance & Operations	Streetlighting Services Manager	KDC
Business Performance	Customer Services Lead	WDC

and deletion of Senior Development Engineer and replaced with RSAP Programme Manager – the description of this role remains the same.

6.4 RATES ARREARS POLICY

Agenda item 6.4 document number A3132825, pages 108 - 123 refers.

RESOLUTION 2021/26

Moved: Mayor John Carter

Seconded: Deputy Mayor Ann Court

That Council:

- a) approve the enforcement options attached to the report be formalised into an operational policy under which next steps following a District Court judgement will be assessed.
- b) agree that all other cases will be measured against the policy options and reviewed on a case by case basis.

- c) agree that the Chief Financial Officer and General Manager Corporate Services will review each case and approve the most appropriate course of action for collection of debt.
- d) agree that any cases where the opinion of the Chief Financial Officer and General Manager Corporate Services is that a rating sale is the most appropriate course of action, that endorsement will be sought from Council.
- e) agree that any actions taken will be reported back to the Assurance, Risk and Finance Committee as part of the quarterly Revenue Recovery report.

CARRIED

7 INFORMATION REPORTS

7.1 COMMUNITY BOARD UPDATES MARCH 2021

Agenda item 7.1 document number A3131304, pages 124 - 137 refers.

RESOLUTION 2021/27

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

That Council note the following Community Board minutes:

- a) **Te Hiku Community Board, 2 March 2021.**
- b) **Kaikohe-Hokianga Community Board, 3 March 2021.**
- c) **Bay of Islands-Whangaroa Community Board, 4 March 2021.**

CARRIED

Note: request staff provide Councillor Foy with an update on the Te Hiku Shared Footpath by Friday 16 April 2021.

The meeting was adjourned from 12.51 pm to 1.19 pm.

7.2 CEO REPORT TO COUNCIL 01 JANUARY 2021 - 28 FEBRUARY 2021

Agenda item 7.2 document number A3119902, pages 138 - 183 refers.

RESOLUTION 2021/28

Moved: Cr John Vujcich

Seconded: Cr Moko Tepania

That the Council receive the report CEO Report to Council 01 January 2021 - 28 February 2021

CARRIED

At 1:36 pm, Mayor John Carter left the meeting. At 1:38 pm, Mayor John Carter returned to the meeting.

At 2:00 pm, Deputy Mayor Ann Court left the meeting.

7.3 INFORMAL CONSULTATION FEEDBACK ON MĀORI WARDS

Agenda item 7.3 document number A3127368, Supplementary Agenda, pages 4 - 14 refers.

RESOLUTION 2021/29

Moved: Mayor John Carter
 Seconded: Cr John Vujcich

That the Council receive the report Informal Consultation Feedback on Māori Wards.

CARRIED

8 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2021/30

Moved: Mayor John Carter
 Seconded: Cr Moko Tepania

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
8.1 - Confirmation of Previous Minutes - Public Excluded	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	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
8.2 - Property Purchase at 9/288 Hokianga Harbour Drive, Omapere	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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

9 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Cr Tepania closed the meeting with a karakia.

10 MEETING CLOSE

The meeting closed at 2.37 pm.

The minutes of this meeting will be confirmed at the Ordinary Council meeting to be held on 13 May 2021.

.....
CHAIRPERSON

**MINUTES OF FAR NORTH DISTRICT COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 4 MAY 2021 AT 3.08 PM**

PRESENT: Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy, Cr Mate Radich, Cr Rachel Smith, Cr Kelly Stratford, Cr Moko Tepania, Cr John Vujcich

IN ATTENDANCE: Emma Davis (Kaikohe-Hokianga Community Board Deputy Chairperson), Adele Gardner via video-conference (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board)

STAFF PRESENT: Shaun Clarke (Chief Executive Officer), Andy Finch (General Manager Infrastructure and Asset Management), Dean Myburgh (General Manager District Services), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Jaime Dyhrberg (General Manager - Corporate Services - Acting)

1 KARAKIA TIMATANGA – OPENING PRAYER

Cr Moko Tepania commenced the meeting with a prayer.

Council observed a moments silence to acknowledge the passing of Dave Cull, former Local Government New Zealand President, with a minutes silence.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

Nil

3 DEPUTATION

Patrica Tauroa and Anaru Kira representing Whangaroa Papa Hapū, spoke to Council in regards to Item 5.1 – Notice of Motion – Establishment of Māori Wards.

Mane Tahere representing Te Iringa Marae Trustees and Ngati Tautahi Hapu, spoke to Council in regards to Item 5.1 – Notice of Motion – Establishment of Māori Wards.

Te Waihoroi Shortland representing Te Rūnanga o Ngāti Hine, spoke to Council in regards to Item 5.1 – Notice of Motion – Establishment of Māori Wards.

Aperahama Kerepeti-Edward representing Ngāti Wai Trust Board, spoke to Council in regards to Item 5.1 – Notice of Motion – Establishment of Māori Wards.

Darlene Tana-Hoffrielson and Ipu Absolum, spoke to Council in regards to Item 5.1 – Notice of Motion – Establishment of Māori Wards.

4 NOTICE OF MOTION

4.1 NOTICE OF MOTION - ESTABLISHMENT OF MĀORI WARDS

Agenda item 5.1 document number A3169815, pages 12 - 12 refers.

MOTION

Moved: Cr Moko Tepania
Seconded: Cr Rachel Smith

That the Far North District Council establish Māori wards in accordance with Schedule 1, Part 1, 2(1) of the Local Electoral Act for the 2022 and 2025 local government elections.

AMENDMENT

Moved: Mayor John Carter

Seconded: Cr Dave Collard

That Council resolves:

- a) to hold a non-binding poll on Māori Wards as part of the 2022 Council elections.
- b) recommends that having been informed by the poll results, that the incoming Council considers introducing Māori Wards for the 2025 elections.
- c) Council immediately reconsiders its current committee structure and membership and delegations to ensure Iwi/Hapu membership to Council and Community Board Committees.

LOST

RESOLUTION 2021/13

Moved: Cr Kelly Stratford

Seconded: Mayor John Carter

That Council:

- b) **immediately reconsiders its current committee structure and membership and delegations to ensure Iwi/Hapu membership to Council Committees and Community Board Committees.**

CARRIED

The amendment becomes the substantive motion:

RESOLUTION 2021/14

That the Far North District Council:

- a) **establish Māori wards in accordance with Schedule 1, Part 1, 2(1) of the Local Electoral Act for the 2022 and 2025 local government elections.**
- b) **immediately reconsiders its current committee structure and membership and delegations to ensure Iwi/Hapu membership to Council Committees and Community Board Committees.**

CARRIED

In Favour: His Worship the Mayor John Carter, Crs David Clendon, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Deputy Mayor Ann Court, Crs Dave Collard and Felicity Foy

5 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

The meeting was closed with a waiata – Te Ngā Puawai o Ngāpuhi.

6 MEETING CLOSE

The meeting closed at 4.40 pm.

The minutes of this meeting will be confirmed at the Council meeting to be held on 20 May 2021.

.....
CHAIRPERSON

6 REPORTS

6.1 PAIHIA EV CHARGING STATION

File Number: A3160263

Author: Ana Mules, Team Leader - Community Development and Investment

Authoriser: William J Taylor MBE, General Manager - Strategic Planning and Policy (Acting)

PURPOSE OF THE REPORT / TE TAKE PŪRONGO

EXECUTIVE SUMMARY / TE WHAKARĀPOPOTO MATUA

- Other than the 7kW AC Tesla charger on the waterfront, Paihia does not have a multipurpose EV charger.
- This is a notable gap in the Crimson Coast EV Highway in one of our most popular visitor destinations.
- Craig Salmon (EV advocate and Paihia resident) has been successful in receiving funding from the Government's Low Emission Vehicles Contestable Fund administered by the Energy Efficiency & Conservation Authority (EECA) to install a 25kW DC EV charging station in Paihia. This funding must be uplifted before the end of this financial year (30 June 2021). Craig project-managed the build of the Crimson Coast EV Highway.
- Placement of EV chargers is dependent on Top Energy's infrastructure, as stations put a significant load on the electricity network.
- A feasible location has been identified on Williams Road. This site would require three public carparks be removed from general parking, using Council's Parking and Traffic Control Bylaw 2010, to ensure the carparks are available exclusively for EV, and only when charging.
- Supporting EV infrastructure helps to support Focus Paihia Community Charitable Trust's aim of seeing *Paihia become an exceptional place to live, work and visit*, Council's climate change goal of 'Reducing Our Carbon Emissions Together' and the District vision *He Whenua Rangatira - A District of sustainable prosperity and well-being*.
- This report was presented to the Bay of Islands-Whangaroa Community Board at their meeting on 1 April 2021. The Bay of Islands-Whangaroa Community Board makes the following recommendation to Council.

RECOMMENDATION / NGĀ TŪTOHUNGA

That Council make the three identified adjoining parking spaces on Williams Road, Paihia, exclusively available for electric vehicles (EV) while charging.

1) BACKGROUND / TE TĀHUHU KŌRERO

In 2017, Far North District Council (FNDC) and partners were successful recipients of the Government's Low Emission Vehicles Contestable Fund administered by the Energy Efficiency & Conservation Authority (EECA) to establish the Crimson Coast EV Highway. The project was a partnership of the FNDC, Northland Regional Council (NRC), Top Energy and ChargeNet. The highway opened in 2018, and includes charging stations in Kawakawa, Kaikohe, Kerikeri, Coopers Beach, Kaitia, Houhora/Pukenui, Waipapa and Waitiki Landing. While providing excellent network charging infrastructure, there are still gaps in the Crimson Coast EV Highway network. Along with Mangamuka and Rawene on the west coast, Paihia is a noticeable omission.

To address this, Paihia resident and EV advocate Craig Salmon of The EV Collective has applied for and successfully received funding from EECA to install a charging station in Paihia. Craig is experienced in station installation having previously project managed the Crimson Coast build.

Craig has been working with Top Energy Limited (TEL) to find a feasible site for installation in Paihia. Two initial sites (outside the main Countdown and in the Far North Holdings Limited (FNHL) Williams Road carpark) were considered but the cost to connect to the power grid was more than the EECA funding available, as TEL would need to be funded to upgrade their infrastructure to deliver the power necessary.

There is a section of diagonal parks on Williams Road [ATTACHMENT ONE], just past the entrance to the Far North Holding Limited (FNHL) carpark. These carparks provide a favourable location for an EV charger being close enough to walk to Paihia's main shopping area, while also providing the required power infrastructure with a transformer on the adjacent roadside. Installation would require three public carparks be taken out of public rotation to ensure the spaces are always available for charging. Due to the charger's roadside position, three carparks are required to have the space to allow for two 90degree charging spaces. 90degree access is required to permit all EV types to charge, i.e. many car charge points require reverse angle parking. [ATTACHMENT TWO].

Paihia has limited free general parking spaces, but has no multipurpose EV charging. The Northland Transport Alliance (NTA) offered the following comment for this report on Paihia's parking, *"international/national best practise is for parking occupancy to be at 90% about 100% of time. Paihia is not close to that parking occupancy. Even in peaks times, there are parks available, however, people may need to walk a little further. Specialty parks, including EV spaces, are recommended to be close to village centres."*

Supporting EV infrastructure helps to deliver on Council's climate change goal of 'Reducing Our Carbon Emissions Together'. The EECA funding is for this financial year only and will be withdrawn if a suitable site cannot be secured before 30 June 2021. The EV Collective will own the station with any profits going towards installing more stations across the Far North District.

2) DISCUSSION AND OPTIONS / TE MATAPAKI ME NGĀ KŌWHIRINGA

When the Kawakawa EV charging station was installed (2015/16), Council discussed the extension of an EV charging network in the Far North and agreed to support the establishment of further charging stations across the district. At the 11 February 2016 meeting, Council also resolved that:

- an amendment is proposed to [Council's Parking and Traffic Control Bylaw \(2010\)](#) to enable restricted parking on the parking space allocated for electric vehicle charging.

The proposed amendment has not yet been undertaken, with the current *Parking and Traffic Control Bylaw (2010)* scheduled for review June 2020. However, the current Bylaw already allows Council to by resolution, publicly notify:

- Declare any public place to be a parking space and where any such public place has been declared a parking space, provide for the following:
 - a) Specify the particular class or classes of vehicles which shall be permitted to park in such place
 - b) State the days and hours within which parking shall be permitted in such place.
 - c) State the conditions of parking in such place.

The proposed William's Road site will impact on general public parking, taking three carparks out of public rotation. The reasons for selecting this site are that a charger in this location is economically feasible, being adjacent to the required power source with room for upgrading the size of the unit to meet future demands. Once installed the charger will provide a convenient service, filling a gap in current infrastructure while supporting local business by encouraging EV station users to explore Paihia's central business district while charging. The station to be installed is a [Delta 25kW DC EV Charger Pedestal](#), the same unit as in Kaikohe and Houhora/Pukenui¹.

¹ The Delta 25kW DC Wallbox is New Zealand's most popular entry level DC charger. With dual cables as standard, this wall-mountable charger provides 100-150km range for every hour of charge to every DC capable EV on the road today. The DC Wallbox has earned its place in many fleet, private and public applications due to its versatility, reliability, and modest installation requirements.

Facilitating EV uptake has environment, economic and social implications. Electric vehicles have become much more affordable in recent years. An entry level, second hand electric car costs around \$7000 to purchase. EV's cost about one-third of the price to run as a regular car at around \$6 to travel 100km as opposed to \$18 for a petrol-fuelled car. With our power sourced locally from geothermal sources, the Paihia charging station will use 100 per renewable energy while supporting sustainable tourism.

The NTA, as well as Council's General Manager Infrastructure & Asset Management and Manager Infrastructure Operations are all supportive of the proposal and see no adverse impacts or obstructions from a roading and parking perspective. The site's current parking zoning is adequate and does not need to be adjusted (i.e. 60min parking from 15 October to 15 April). Council has a climate change goal of reducing our emissions and has started the process of 'greening our fleet' now owning two hybrid vehicles.

From a community perspective, EV technology provides strong alignment to the strategic direction sought by Far North communities in providing for a sustainable future. The EV network aligns with the Focus Paihia Community Charitable Trust's aim of seeing *Paihia become an exceptional place to live, work and visit* and the District Vision *He Whenua Rangatira - A District of sustainable prosperity and well-being*.

On approval of this recommendation, Council officers will draft a no-cost License to Occupy, as per delegations allowed to staff in Section 4 the [Reserves Policy 2017](#) that allows for minor encroachments onto public roads. This is consistent with *Erection of monuments, etc, and provision of facilities on or under roads* section 334.1(d) of the Local Government Act that states that Council may *construct or provide on, over, or under any road facilities for the safety, health, or convenience of the public*.

It is Council's role to meet the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses (Local Government Act 2002, section 10 (1)).

Options

Option No.	Option Description	Advantages	Disadvantages
1	Make the three identified parking spaces on Williams Road, Paihia exclusively available for electric vehicles using the adjacent EV charging station.	Local charging infrastructure is developed, as is the Crimson Coast EV Highway tourism product. Sustainable tourism is encouraged.	Three carparks will be excluded from general public parking in Paihia.
2	Do not support the installation of an EV charging station at the identified location.	Three carparks will not be excluded from general public parking in Paihia.	Local charging infrastructure is not developed, and expansion of the Crimson Coast EV Highway tourism product is stalled. EECA funding is put at risk if another suitable site cannot be found urgently.
3	Do not support the installation of an EV charging station in Paihia.	No carparks will be excluded from public rotation.	Local charging infrastructure is not developed. The expansion of the Crimson Coast EV Highway tourism product is not supported. EECA funding is lost. Council will lose an opportunity to support the

Option No.	Option Description	Advantages	Disadvantages
			district's vision and climate change goals.

Reason for the recommendation / Te Take Tūtohunga

To further open the Far North to EV tourism and facilitate electric vehicle uptake, EV charging infrastructure that allows vehicles to “re-fuel” needs to be expanded. EV technology provides strong alignment to the strategic direction sought by both Council and Far North communities to build a sustainable future.

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

There is no installation or ongoing operational costs to Council, as this will be covered by the owner (The EV Collective) at their cost or through other funding sources (i.e. EECA). This is a public good initiative and any profits made from the station will go towards installing more stations across the Far North District.

ATTACHMENTS / NGĀ ĀPITI HANGA

1. Paihia EV Charging Station Williams Road - Plan - A3115201 [↓](#) 
2. Paihia EV Charging Station Williams Road - Perspective - A3115202 [↓](#) 

Compliance schedule / Te Hōtaka Take Ōkawa:

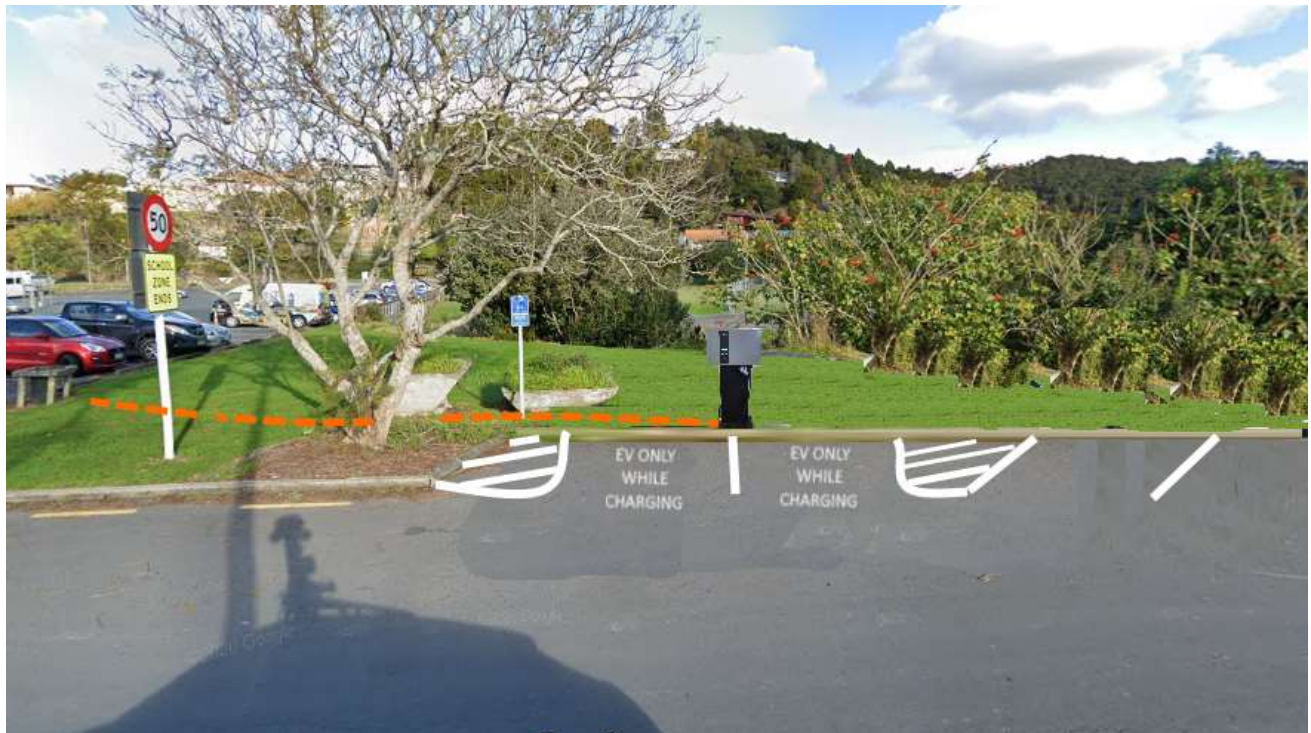
Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

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	The decision is 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.	<p>The matters and recommendations support Council's climate change goal of 'Reducing Our Carbon Emissions Together', the District Vision He Whenua Rangatira and Community Outcomes;</p> <ul style="list-style-type: none"> • Communities that are healthy, safe, connected and sustainable • Proud, vibrant communities • 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.	The Crimson Coast EV Highway has District wide relevance.
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.	<p>In He Tangata, He Whenua, He Oranga, the economic growth strategy for the Tai Tokerau Māori economy produced by the Te Taitokerau Iwi Chief Executives' Consortium, a 'genuine commitment by all levels of government to reprioritise investment in infrastructure to make it viable to do business and live in the region' is one of the eight key factors identified to transform the region's Māori economy.</p> <p>Facilitating EV uptake has positive environment, economic and social implications.</p>

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.	EV technology provides strong alignment to the strategic direction sought by Far North communities to provide for a sustainable future.
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





6.2 NEW PARKING AND ROAD USE BYLAWS

File Number: A3183896

Author: Siân Smith, Strategy and Policy Specialist

Authoriser: William J Taylor MBE, General Manager - Strategic Planning and Policy (Acting)

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is for Council to make two new bylaws to regulate parking and road use in the Far North District.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- The Parking and Traffic Control Bylaw was due for review by 17 June 2020, but it was not reviewed, and therefore will be automatically revoked on 17 June 2022 under section 160A of the Local Government Act 2002.
- A new bylaw is required to continue to regulate parking and road use in the Far North District.
- There are two options for the form of the new bylaw:
 - a single bylaw made under the Local Government Act 2002 and Land Transport Act 1998,
 - or two separate bylaws (one for parking and one for road use) made under the Land Transport Act 1998.
- The advantages and disadvantages of the two options are similar, with the option of two separate bylaws having slightly more advantages in providing clarity and easier enforcement.
- This report was presented to the Strategy and Policy Committee at their meeting on 04 May 2021. The Committee agreed to make the following recommendation to Council.

TŪTOHUNGA / RECOMMENDATION

That Council determine, under section 155(1) of the Local Government Act 2002, that two new bylaws regulating parking and road use, made under the Land Transport Act 1998, are the most appropriate way of addressing the problems in the Far North District:

- i) competition for space in the central business districts.**
- ii) congestion in the central business districts.**

1) TĀHUHU KŌRERO / BACKGROUND

Context

The governing body of the Far North District Council made a Parking and Traffic Control Bylaw on 17 June 2010. The bylaw was made under the Local Government Act 2002 and Transport Act 1962 (despite the fact the Transport Act 1962 had been replaced by the Land Transport Act 1998). Under the Local Government Act 2002, the bylaw was due for review by 17 June 2020. It was not reviewed, and therefore will be automatically revoked on 17 June 2022 under section 160A of the Local Government Act 2002.

In 2019 the Far North District Council, with expert assistance from Commute Transportation Consultants, did extensive research and analysis on transport problems in the Far North. A set of strategic responses to the problems was created following a robust and thorough public consultation process. The responses are included in an Integrated Transport Strategy for the Far North District that was endorsed by the governing body on 10 December 2020. The strategic responses were also included in a Programme Business Case to obtain funding from Waka Kotahi (the New Zealand Transport Agency) for the Council to develop policies, plans and works to address the problems. Waka Kotahi has yet to make a decision on the Programme Business Case.

Problem definition

The population of the Far North District has grown significantly in the past 10 years from 59,000 in 2010 to 71,000 in 2020. Most of the increase has occurred since 2014 with at least 2% increase in population per year and most new residents are in the three largest towns: Kaitiāia, Kaikohe and Kerikeri². The impacts of this growth are recognised in the Integrated Transport Strategy when it states: “Changing demographics and land uses increases pressure to provide better and safer transport networks and more travel choices”. Increasing urbanisation of parts of the Far North District has resulted in more private motor vehicles travelling into, or through, the urban areas. This has then created:

- competition for the use of space in central business districts between private motor vehicles and other transport modes, or commercial or recreational activities
- congestion on the limited number of routes into and through central business districts at “peak” times.

The Council’s records have limited information about the evidence used to inform the decision to make the Parking and Traffic Control Bylaw in 2010. The reports generally assert that because legislation gives the Council the power to make a bylaw, it should make a bylaw. Fortunately, the Integrated Transport Strategy provides a sound evidence base to support the existence of the above problems (competition for space and congestion) and the need to address them by regulating parking and road use. The Programme Business Case includes, for example, funding towards travel demand management planning activities and physical improvement works to the roading network.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**Methods to address problems**

The only form of regulation a council can make is a bylaw. Before a bylaw is made, the governing body of the Council is required, under section 155(1) of the Local Government Act 2002, to determine “whether a bylaw is the most appropriate way of addressing the perceived problem”. This means the Council must consider all possible methods for addressing the problem and only make a bylaw if it will be more effective than the other methods.

The full range of methods for addressing the problems will only be known when detailed development of the strategic responses in the Integrated Transport Strategy is completed. However, while some of that development has started, it will not be completed before the end of 2021 and a decision on whether to make a bylaw regulating parking and road use needs to be made now. That is because any new bylaw would need to be made before June 2022, before the existing bylaw is automatically revoked, and the process of drafting and consulting on a new bylaw will take around 12 months. In the absence of the policy detail that will come from the implementation of the Integrated Transport Strategy, it is difficult to do the analysis required for the determination under section 155(1) of the Local Government Act 2002. Further, without the benefit of higher-level policy to guide decision-making, there is a risk a new bylaw will either under- or over-regulate and lead to outcomes that cause unnecessary cost to the Council and community. For example: if new parking spaces are made in a place that are then not regularly used³, the cost of new signs or road markings will be wasted, and drivers will waste time looking for parking spaces in areas that are not convenient for them.

Therefore, until such time as the Integrated Transport Strategy is implemented, the best way to address the problems is to consider whether the provisions in the existing bylaw should continue to apply. The Council should determine whether the provisions in the existing bylaw are the “most appropriate” regulation (of parking and road use) to address the problems of competition for space and congestion in the District’s central business districts.

² .id Estimated residential population figures 1996 – 2020

³ This could potentially happen because policies on travel demand management are not available to inform where the best location is for the creation of new parking spaces.

Assessment of existing bylaw provisions

To determine the appropriateness of the provisions of the existing bylaw, they have been assessed for:

- Legality – are they consistent with applicable empowering legislation?
- Clarity – can road users easily understand their obligations?
- Enforceability – are the methods available sufficient to deal with breaches?
- Necessity – is there evidence of a problem that is being addressed?

The assessment is summarised in the following table:

Criterion	Assessment
Legality	Some provisions are inconsistent with the applicable empowering provisions in legislation.
Clarity	<ul style="list-style-type: none"> • The Schedules to the bylaw are not all accurately referred to in the main body of the bylaw. • Some provisions overlap with two other bylaws, Control of the Use of Public Places and Mobile Shops and Hawkers, in regulating activities both on roads and “public places” adjacent to roads*.
Enforceability	Informal surveys by the Council’s Parking Warden show some parking restrictions are different “in real life” to what is written in the Schedules, making enforcement difficult.
Necessity	Some provisions, while addressing a known problem, are unnecessary because the problem is dealt with directly in transport legislation.

*In addressing the problems, consideration will need to be made of which provisions, if any, in the Control of the Use of Public Places and Mobile Shops and Hawkers bylaws should be included in a new bylaw.

Options

Under section 77 of the Local Government Act 2002, the Council is required to:

- seek to identify all reasonably practicable options
- assess the options in terms of their advantages and disadvantages
- take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

“Doing nothing” is not a reasonably practicable option. The current bylaw will be automatically revoked on 17 June 2022 and all the existing parking and road use regulation will cease to have effect from that date. A new bylaw is required.

There are **two** reasonably practicable options for the form and content of a new bylaw that are assessed below, using the same criteria as in the table above. Under either of the options, the appropriateness of the existing bylaw provisions will be addressed as follows:

- Provisions that duplicate legislation will not be included.
- Existing restrictions and controls will be continued without amendment, except to correct errors (e.g. incorrect description of location of parking spaces) or update wording to be consistent with legislation.
- The term “traffic control” will be replaced with the term “road use” to make it clear the bylaw regulates all uses of the road, not just traffic or moving vehicles.
- Restrictions and controls in the Control of the Use of Public Places Bylaw and Mobile Shops and Hawkers Bylaw that apply to roads will be included if they are still necessary⁴.

⁴ On 21 May 2020 the governing body of the Council agreed a bylaw was appropriate to address problems with trading in public places (a broader description of mobile shops and hawkers). A bylaw has not yet been developed.

- Drafting of the bylaw will be improved to meet best practice drafting standards (as advocated by the Parliamentary Counsel Office).
- An implementation plan will set out tasks required to, among other things, check signs or road markings and guide enforcement.

Option 1: Make a new bylaw under Land Transport Act 1998 and Local Government Act 2002

This option is effectively maintaining the status quo. The existing bylaw was made under both Acts.

Due to lack of information in the Council records, it is presumed both Acts were used to enable the bylaw to regulate matters that do not apply to roads or traffic, i.e. activities in “public places”. For example, clause 2006.5 requires any person carrying out “building operations” on “any public place” to get permission for the operations from the Council. As noted in the table assessing the existing bylaw above, this resulted in the bylaw overlapping with the Control of the Use of Public Places Bylaw and the Mobile Shops and Hawkers Bylaw. Both those bylaws have been automatically revoked under section 160A of the Local Government Act 2002 due to not being reviewed by the date required. So, even though the overlap no longer exists, a new bylaw will need to be clearer about the places it applies to in order to avoid any potential future overlaps with other bylaws or policies.

While it is good practice to avoid making multiple regulations when one will do, in this instance there would be four separate topics covered in one bylaw: parking, road use, mobile shops, and other uses of “public places” near roads. This may restrict the flexibility to respond to future changes – changing one part of a bylaw inevitably leaves room for people to advocate changes to other parts and potentially lengthen the amendment process unnecessarily. The length of the bylaw may also make it difficult for users to browse and easily find provisions that are relevant to them.

This option is not preferred because it will not meet the criterion of clarity. Clarity will be harder to achieve if the bylaw is made under the empowering provisions of both the Land Transport Act 1998 and the Local Government Act 2002 due to the broad scope of the latter Act, and having four different topics in a single bylaw may make it difficult for people to use.

Option 2: Make two new bylaws – one dealing with parking and one dealing with road use – under the Land Transport Act 1998 (preferred option)

Section 22AB of the Land Transport Act 1998 gives the Council extensive powers to make bylaws regulating all aspects of road use. The powers also extend to “public places” that may not, by legal definition, be part of a road, but are adjacent to the road and therefore should be regulated together. Even though section 22AB(5)(c) of the Land Transport Act 1998 says it does not limit the power to make bylaws under any other Act, the powers in the Local Government Act 2002 should only be used if there is a very clear public safety or health or nuisance problem that is not addressed in transport legislation. The transport legislation is extensive (the Land Transport Act 1998, plus numerous regulations, and rules) in regulating roads, traffic, and the behaviour of road users. It is therefore highly unlikely the transport legislation has missed or overlooked any particular problem or matter that should be regulated.

Under this option, to meet the clarity criterion, regulation of parking would be separated from the other road use regulation. The sheer volume of parking spaces, time limits and possible future provisions (e.g. parking fees) means a parking bylaw will be a long document and likely to require regular amendments to respond to the demands of the transport network. Also, responsibility for the enforcement of parking restrictions and other road uses is split between the Council and the Police. The Council is only responsible for enforcement of parking and a small number of “stationary vehicle offences” (defined in the Land Transport (Offences and Penalties) Regulations 1999). All other road use matters are dealt with by the Police. It is therefore better for parking to be regulated in a stand-alone bylaw for ease of enforcement. A second bylaw would deal with all the other aspects of road use, including the use of “public places” adjacent to roads.

Assessment of advantages and disadvantages of options (costs and benefits)

The costs and benefits of both options are roughly the same. The resources required to develop and implement a single bylaw vs two bylaws are the same, if the two bylaws are done at the same time, i.e. there is no duplication of costs for public consultation. Similarly, if two bylaws are done at

the same time the cost to the community is the same as it would be for a single bylaw, i.e. cost of involvement in consultation and cost of any changes to behaviour required by the new bylaws. Both options will meet the strategic responses in the Integrated Transport Strategy of improving safety, managing for growth, and making best use of our existing network, and therefore be of benefit to the health and safety of the communities in the Far North District.

A minor additional advantage of option two is that bylaws made under the Land Transport Act 1998 are not subject to the mandatory reviews that apply to bylaws made under the Local Government Act 2002. This means the risk of the Council finding itself in the same situation as it is now (bylaw about to revoke due to not being reviewed) will be avoided.

Impacts on tāngata whenua and te ao Māori

There will be impacts on tāngata whenua from the regulation of road use. Where structures or mobile shops are allowed on roads, the location of those things will need to be compatible with the protection of sites that are significant to Māori. The significance could be for traditional, spiritual, religious, ritual, or mythological reasons.

A new bylaw will therefore need to be developed in partnership with tāngata whenua to ensure the decisions about the content of the bylaw take into account the relationship of Māori with the places the bylaw applies to, as required by section 77(1)(c) Local Government Act 2002.

Take Tūtohunga / Reason for the recommendation

A new bylaw is required to maintain the status quo of the parking restrictions and controls on road use that currently apply in the Far North District. There is no other regulatory method for maintaining the restrictions and controls, and the Integrated Transport Strategy provides a good evidence base for the need for regulation. The decision is whether to make one new bylaw or two separate bylaws, and under which legislation. Either option will contribute to the strategic responses in the Integrated Transport Strategy. The advantages of two separate bylaws are slightly higher because:

- clarity about the scope of the regulation will make the bylaws easier for people to understand
- separate bylaws reflect the split of enforcement responsibilities between the Council and the Police
- there will be more flexibility to respond to changes in the transport network by amending the bylaws.

Making the new bylaws under the Land Transport Act 1998 will also be better for clarity and has the added advantage of not being subject to mandatory reviews and the risk of being automatically revoked. Therefore option two is the preferred option and it is recommended the governing body of the Council determine, under section 155(1) of the Local Government Act 2002, "bylaws made under the Land Transport Act 1998 are the most appropriate way of addressing the problems of competition for space and congestion in the central business districts of the Far North District".

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

The costs of developing, consulting on, and implementing the new bylaws will be met within existing budgets.

ĀPITIHINGA / ATTACHMENTS

Nil

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	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	The proposal is of low significance because it is effectively maintaining the status quo.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The decision will support the implementation of the Council's Integrated Transport Strategy. The decision complies with the Council's obligations under the Local Government Act 2002 and will make appropriate use of the Council's powers under the Land Transport Act 1998.
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.	The proposal affects the whole District and therefore will be of interest to Community Boards, though, because the proposal is to effectively make no change to the existing regulation, decisions from the Community Boards are not required at this stage.
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 implications for Māori that are described in the body of the 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).	Identification of affected and interested people will be completed in the next stage of the work as part of the development of the new bylaws.
State the financial implications and where budgetary provisions have been made to support this decision.	Costs of the decision can be met within existing budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

6.3 CONTROL OF ON-SITE WASTEWATER DISPOSAL SYSTEMS BYLAW

File Number: A3183918

Author: Briar Macken, Planner

Authoriser: William J Taylor MBE, General Manager - Strategic Planning and Policy (Acting)

TE TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is for Council to agree to make a Control of On-site Wastewater Disposal Systems Bylaw.

TE WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- The Control of On-site Wastewater Disposal Systems Bylaw 2010 (the Bylaw) will automatically revoke on 26 May 2022.
- Poor maintenance is the main cause of on-site wastewater disposal system failure.
- Failed on-site wastewater disposal systems lead to effluent discharge and contamination.
- The Bylaw has been effective in regulating the maintenance of on-site wastewater disposal systems in the Far North District.
- A bylaw is the most appropriate way of addressing problems relating to maintenance of on-site wastewater disposal systems.
- A new form of bylaw is required to ensure the bylaw aligns with current legislation and Council policies.
- The Strategy and Policy Committee considered this report at their meeting on 04 May 2021 and make the following recommendation to Council.

NGĀ TŪTOHUNGA / RECOMMENDATION

That Council agree, under section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing problems related to the maintenance of on-site wastewater disposal systems in the Far North District.

1) TE TĀHUHU KŌRERO / BACKGROUND

The Control of On-site Wastewater Disposal Systems Bylaw 2010 (the Bylaw) will auto-revoke on 26 May 2022 as the bylaw was not reviewed in time. The Bylaw was made using the Council's discretionary functions under section 146a of the Local Government Act 2002.

The Council is required under section 155(1) of the Local Government Act 2002 to make determinations as to whether a bylaw is the most appropriate way of addressing the perceived problem with respect to maintenance of on-site wastewater disposal systems.

2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Council can specifically make a bylaw regulating the maintenance of on-site wastewater disposal systems under section 146a of the Local Government Act.

The design and installation of on-site wastewater disposal systems is regulated under the:

- Building Act 2004
- Resource Management Act 1991
- Plumbers Gasfitters and Drainlayers Act 2006.

Environmental harm from on-site wastewater disposal systems is regulated by Northland Regional Council. Clause 6.1 of the *Regional Plan for Northland* requires an on-site system to be maintained effectively and discharge to not contaminate water sources nor cause offensive or objectional odour.

In the case of a complete failure of an on-site wastewater disposal system, enforcement can occur under the Health Act 1956.

Problem to be addressed

There are currently 15,602 on-site wastewater disposal systems in the Far North District, of which 12,213 (78%) are septic tanks.

All on-site systems require regular attention to function effectively. Unfortunately, research shows that many people don't understand or recognise the importance of managing and maintaining their on-site system.

Nationally, community failure rates range from 15 to 50%. Failure is generally defined as inadequately treated wastewater entering groundwater or surface water. The main cause of on-site wastewater disposal system failure is lack of ongoing servicing and regular maintenance.

Wastewater discharging from failing systems contains pathogens (e.g., E.coli, and campylobacter) and nutrients (e.g., nitrates, phosphorus and sodium) that can be harmful to humans and the environment. Effluent discharge and contamination can lead to:

- public health harm (disease and / or illness) from:
 - having direct contact with wastewater,
 - drinking contaminated water,
 - swimming and paddling in contaminated streams, lakes, estuaries, and beaches,
 - eating contaminated shellfish, either from private or commercial shellfish gathering.
- an increase in flies and mosquitoes.
- economic harm caused by having to close shellfish farms (even if no disease occurs).
- nuisance weed growth and/or algal blooms caused by elevated nutrient levels.
- deterioration of freshwater ecosystems due to reduced water quality.
- permanent soil degradation caused by high levels of sodium and other salts from washing powders being disposed of through disposal fields.

During 2002-2003, the Council conducted on-site effluent surveys and identified that 90% of effluent discharge found in stormwater samples was due to the lack of maintenance of on-site wastewater disposal systems. To manage potential harms to the environment and public health the Council introduced a Bylaw in 2006.

Research has not identified any other problems relating to on-site wastewater disposal systems not currently controlled or addressed by either the Bylaw or existing legislation.

Research findings

Since implementing the Bylaw, the number of annual 'requests to rectify' have decreased from nearly 200 in 2008 and 2009 to zero in 2019 and 2020.

Therefore, the Bylaw has been effective in preventing on-site wastewater disposal system failures:

- preventing effluent discharge and contamination
- protecting public health
- preventing or abating health nuisances.

The Bylaw has enabled the development of accurate on-site wastewater disposal system records and maintenance systems. All newly installed on-site wastewater disposal systems are captured through the consenting process. Existing systems are added to the register by notification either from the property owner, or independent tank cleaning contractors. Council sends reminder notices to property owners when their on-site wastewater disposal systems are due for assessment.

Assessment is conducted by independent contractors at the property owner's expense. Contractors inform Council of the status of a disposal system once cleaning has occurred. On-site wastewater disposal system contractors are approved by Council through an application process which includes health and safety assessments and allows for Council to provide quality control processes.

These records provide an opportunity to look at options to support the maintenance of on-site wastewater disposal systems outside of a bylaw.

A bylaw is the most appropriate way to address problems relating to on-going maintenance of on-site wastewater systems in the Far North District for the following reasons:

- maintenance of on-site wastewater disposals systems is not covered under existing legislation.
- the current Bylaw has been effective in preventing on-site wastewater system failures and therefore,
 - preventing effluent discharge and contamination.
 - protecting public health.
 - preventing or abating health nuisances.
- nationally, providing information only has resulted in a 15-50% failure rate.
- without a bylaw, enforcement can only occur in the case of complete failure of an on-site wastewater disposal system.

Option One: Make a bylaw (recommended)

A new form of bylaw is needed to ensure the bylaw is streamlined with current legislation and Council policies.

Advantages and disadvantages of the status quo

- Advantages
 - Maintenance of on-site wastewater disposal systems continue to be regulated
 - preventing effluent discharge and contamination
 - protecting public health
 - preventing or abating health nuisances
- Disadvantages
 - Register and contractor systems are already in place
 - None

Option Two: Council provides information, education, and advice

The Bylaw auto-revokes and a new bylaw is not made.

Council maintains the on-site wastewater disposal system records and reminder notice system. Independent contractors continue to be audited for quality control. Assessment processes, including notifying Council of work undertaken, are maintained through Council's preferred contractor application process. Information continues to be provided on the Council website. Council reinstates a low-cost inspection service which would require at least one full time equivalent plus resources.

Enforcement can occur only in the case of complete failure of an on-site wastewater system:

- a notice to rectify can be issued under section 124 of the Building Act
- a person can be liable for a fine of \$500 upon conviction under the Health Act 1956

Advantages and disadvantages of providing information, education, and advice only

- Advantages
 - Register and contractor systems are already in place, removing the main set-up cost of an education only system.
- Disadvantages
 - Risk that property owners will be less inclined to clean and maintain on-site wastewater disposal systems without regulation leading to increased risk of effluent discharge and contamination.
 - Council can only enforce repair of an on-site wastewater disposal system once complete failure has occurred.

Option Three: Council services all on-site wastewater disposal systems in the District

The Bylaw auto-revokes and a new bylaw is not made.

Council provides regular inspections and cleaning of on-site wastewater disposal systems in the District. Cost for the service would be recuperated via a targeted rate.

Property owners would still be responsible for repairs required to their on-site wastewater disposal systems. However, the Council may be responsible for any damaged caused during the cleaning process.

Enforcement can occur only in the case of complete failure of an on-site wastewater system:

- a notice to rectify can be issued under section 124 of the Building Act
- a person can be liable for a fine of \$500 upon conviction under the Health Act 1956

Advantages and disadvantages of allowing the Bylaw to auto-revoke

Advantages - Register and contractor systems are already in place, removing some of the set-up costs.

- All on-site wastewater systems would be maintained regularly

Disadvantages - Requires the implementation of a targeted rate

- May require septage screens to be installed at more wastewater treatment plants, increasing infrastructure costs.

- Risk that Council may be liable for repairs to on-site wastewater disposal systems if damaged during the cleaning process.

- As a result of the upcoming Three Waters reforms, the operation and maintenance of wastewater will most likely be regionalised.

- Council can only enforce repair of an on-site wastewater disposal system once complete failure has occurred.

Option Four: Do nothing: Allow the Bylaw to auto-revoke

Allowing the Bylaw to auto-revoke and not implementing another viable option to support the maintenance of on-site wastewater disposal systems is not a reasonably practicable option.

Te Take Tūtohunga / Reason for the recommendation

A bylaw is the most appropriate way of addressing problems with maintenance of on-site wastewater disposal systems.

Next steps

If Council agrees with a recommendation, a new form of bylaw will be drafted and is planned to be presented to the Strategy and Policy Committee at the 07 September 2021 meeting. As there is currently a bylaw in place, a new bylaw will be consistent with existing policies, therefore consultation will be conducted under section 82 of the Local Government Act 2002. The new bylaw will need to be in place before May 2022 when the current bylaw auto-revokes.

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

The cost of consulting on the recommended option will be met from existing operation budgets

NGĀ ĀPITIHINGA / ATTACHMENTS

1. **Research Report - On-site Wastewater - A3130552**  

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	As retaining the status quo is consistent with existing policies, the level of significance as determined by the <i>Significance and Engagement Policy</i> is low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The decision recommended in this report applies to the Local Government Act 2002 sections 146, 155 and 160.
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.	As the recommendation is to maintain status quo, the Community Boards views have not been sought.
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.	Seeking the views and input of iwi in the development of bylaws is integral. Maori will be given an opportunity to contribute during the development of the draft bylaw and during the consultation stages of the bylaw development process.
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).	Affected and interested parties will be given an opportunity to share their views and preferences during the consultation phase including: <ul style="list-style-type: none"> • On-site wastewater service providers • Community groups concerned about on-site wastewater disposal systems in their community • Ngā Tai Ora – Public Health Northland • Ministry for the Environment • Northland Regional Council
State the financial implications and where budgetary provisions have been made to support this decision.	The cost of consulting on retaining the current bylaw will be met from existing operation budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

1 Purpose

To describe and discuss the research for the Control of On-site Wastewater Disposal Systems Bylaw.

2 Context and Situation

The Council's Control of On-site Wastewater Disposal Systems Bylaw 2010 (the Bylaw) was due for review by 26 May 2020 but has not been reviewed. It will be automatically revoked on 26 May 2022. Under section 155 of the Local Government Act 2002, the Council is now required to consider whether a bylaw is the "most appropriate way of addressing the perceived problem".

3 Objectives

3.1 Purpose of research

To determine whether a bylaw is the most appropriate way to address problems regarding on-site wastewater disposal systems in the Far North District as per section 155 of the Local Government Act 2002.

3.2 Review objectives

- To define on-site wastewater related problems in the Far North District that are within Council's function to control.
- To identify if a bylaw is the most appropriate way to address the regulation of on-site wastewater disposal systems in the Far North District.

4 Problem definition

Most on-site wastewater disposal systems in New Zealand are septic tanks. In the Far North District, 78% of on-site wastewater disposal systems are septic tanks. All on-site systems require regular attention to function effectively. Unfortunately, research shows that many people don't understand or recognise the importance of managing and maintaining their on-site system, and some are not even aware their wastewater is treated by an on-site system⁵.

Failure is generally defined as inadequately treated wastewater entering groundwater or surface water. Nationally, community failure rates range from 15 to 50%. Some causes of on-site wastewater disposal system failure are due to inappropriate design and installation; however, such risks are mitigated by the Building Act 2004 requirements. The main cause of on-site wastewater disposal system failure is lack of ongoing servicing and regular maintenance¹. Appropriate management and regular maintenance can help identify problems early and reduce the need for costly repairs, with the added benefit of improving the lifespan of on-site systems.

Wastewater discharging from failing systems contains pathogens (e.g., E.coli, and campylobacter) and nutrients (e.g., nitrates, phosphorus and sodium) that can be harmful to humans and the environment. Effluent discharge and contamination can lead to:

- public health harm (disease and / or illness) from:
 - having direct contact with wastewater
 - drinking contaminated water
 - swimming and paddling in contaminated streams, lakes, estuaries, and beaches
 - eating contaminated shellfish, either from private or commercial shellfish gathering
- an increase in flies and mosquitoes
- economic harm caused by having to close shellfish farms (even if no disease occurs)
- nuisance weed growth and/or algal blooms caused by elevated nutrient levels
- deterioration of freshwater ecosystems due to reduced water quality

⁵ [MFE NES On-site wastewater discussion](#)

- permanent soil degradation caused by high levels of sodium and other salts from washing powders being disposed of through disposal fields.

Conservative estimates indicate that nationally more than 100 streams and over 100 coastal sites are affected by effluent discharge.

During 2002-2003, the Council conducted on-site effluent surveys and identified that 90% of effluent discharge, i.e. E. coli and faecal coliform found in stormwater samples, was due to the lack of maintenance of on-site wastewater disposal systems (septic tanks). To manage potential harms to the environment and public health the Council introduced a Bylaw in 2006.

4.1 Council's role relating to on-site wastewater

4.1.1 Local Government Act 2002

Council can specifically make a bylaw regulating on-site wastewater disposal systems under section 146a of the Act.

Under section 10, the purpose of local government is to "... promote the social, economic, environmental, and cultural wellbeing of communities, in the present and for the future". Failing and poorly maintained on-site wastewater disposal systems can have a negative effect on a community's wellbeing through direct impacts, such as affecting the physical health of people and causing environmental harm.

Under section 125, the Council is responsible for the provision of water and sanitary services in their districts and are required to assess the provision of these services. However, this requirement to assess sanitary services is for services available to communities and does not include assessments in relation to individual properties.

4.1.2 Building Act 2004

The Council is required, by way of a building consent process, to ensure that the design and installation of an on-site wastewater system will operate in such a way that no threat is posed to safety or public health. The development of an on-site wastewater system must comply with clause G13 of the Building Code.

The effects of the discharge from on-site wastewater systems on the wider environment are not considered through the building consent process.

There is no mechanism under the Building Act to include a requirement in a building consent for ongoing monitoring or maintenance of on-site systems.

However, the complete failure of an on-site wastewater system would be deemed an unsanitary building under section 123. In that case, section 124 empowers the Council to require a property owner to take actions to remedy a situation where a failing on-site wastewater system is deemed an unsanitary building.

Under section 18 there is no mechanism for the Council to require compliance that is more restrictive than the Building Code.

4.1.3 Health Act 1956

Under section 23, the Council has a duty to improve, promote and protect public health. Section 23 empowers the Council to require a property owner to take actions to remedy a situation where a failing on-site wastewater system is creating a nuisance or risk to public health.

Relating to on-site wastewater disposal, the Council can make a bylaw under section 64 for the following reasons:

- (a) improving, promoting, or protecting public health, and preventing or abating nuisances
- (g) regulating drainage and the collection and disposal of sewage, and prescribing conditions to be observed in the construction of approved drains
- (v) for the protection from pollution of food intended for human consumption and of any water supply.

Under section 65 the Council cannot make a bylaw that is more restrictive than the Building Act 2004 and the Building Code.

Nuisances are defined in section 29. Nuisances specific to on-site wastewater disposal systems are as follows:

- a) where any pool, ditch, gutter, watercourse, sanitary convenience, cesspool, drain, or vent pipe is in such a state or is so situated as to be offensive or likely to be injurious to health
- b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health.

Under section 39 and 136, a person can be liable for a fine of \$500 upon conviction of an offense against the Act.

4.1.4 Resource Management Act 1991

Requires consideration of the wider effects on the environment, including effects on public health. Discharges from on-site wastewater disposal systems are regulated by Northland Regional Council under section 15 of the Resource Management Act via the *Regional Water and Soil Plan for Northland*.

This plan is soon to be replaced by the *Regional Plan for Northland* in which on-site wastewater discharges will be regulated under clause 6.1. The Regional Plan requires an on-site system to be maintained effectively and discharge to not contaminate water sources nor cause offensive or objectional odour.

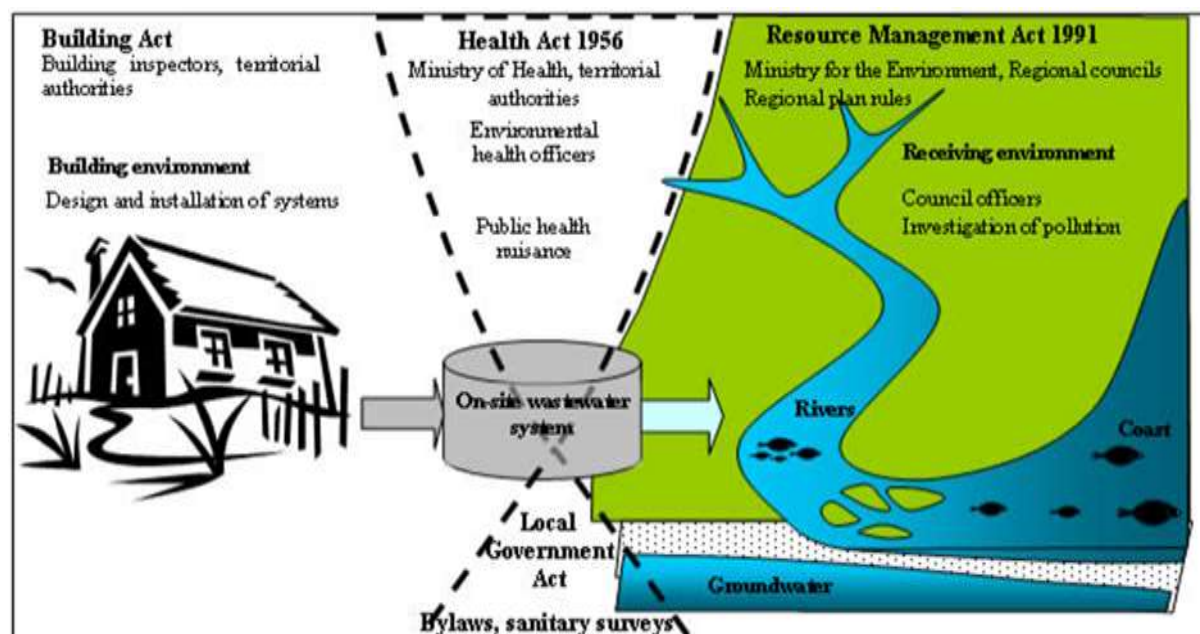


Figure 1: Showing an overview of roles relating to on-site wastewater disposal systems. Source: Ministry for the Environment¹

4.2 Scope

In scope

Problems relating to the ongoing maintenance of all types of on-site wastewater disposal systems in the Far North District which are a function of Council to control or address.

On-Site Wastewater Disposal System is defined as any system for the reception and disposal of wastewater, including any septic tank, mechanical system, alternative system cesspit, drainage or soakage pit or bore; and the field tiles, scoria, or stone contained therein; and, distribution bore, discharge field or soakage field that is a part of, or is connected to, any such system.

Out of scope

- The design and installation of on-site wastewater disposal systems as installation is regulated under the:
 - Building Act 2004
 - Resource Management Act 1991
 - Plumbers Gasfitters and Drainlayers Act 2006.

- Environmental harm as the effects of on-site wastewater disposal systems on the environment is regulated by Northland Regional Council.
- The assessment of sanitary services provided to communities as this is covered by section 125 of the Local Government Act 2002.

4.3 Purpose of current bylaw

The Onsite Wastewater Disposal Bylaw came into force in July 2006 after on-site effluent surveys at Okiato Point showed that 90% of effluent discharge was contaminated due to the lack of maintenance of these systems. The bylaw's primary objective is to protect the health and wellbeing of the community and to protect the environment from pollution arising from failed or deficient on-site wastewater systems.

The purpose of the bylaw was to ensure that all On-Site Wastewater Disposal Systems in operation or proposing to be installed, repaired or extended on properties in the District are installed, repaired, extended, operated and maintained in a safe and sanitary way with no or minimal adverse effects on the surrounding natural environment and in a manner that is culturally sensitive.

4.4 Other problems relating to on-site wastewater disposal systems not currently controlled or addressed by the Bylaw

Research has not identified any other problems relating to on-site wastewater disposal systems not currently controlled or addressed by either the Bylaw or existing legislation.

5 Review of current Bylaw

As part of determining if a bylaw is the most appropriate way to address problems relating to the maintenance of on-site wastewater the current bylaw requires review for effectiveness.

The current Bylaw includes the following sections:

- Requirements (building)
- Inspections
- Maintenance requirements
- Offences and penalties.

5.1 On-site Wastewater Systems in the Far North District

The Bylaw has enabled an accurate register of on-site wastewater systems in the Far North District. As shown in *Figure 1*, the number of registered on-site wastewater systems significantly increased after the Bylaw was implemented in 2006. The register also identifies the type of on-site wastewater system installed (as shown in *Table 1*).

Figure 2: Graph showing number of registered or installed on-site wastewater systems per year in the Far North District

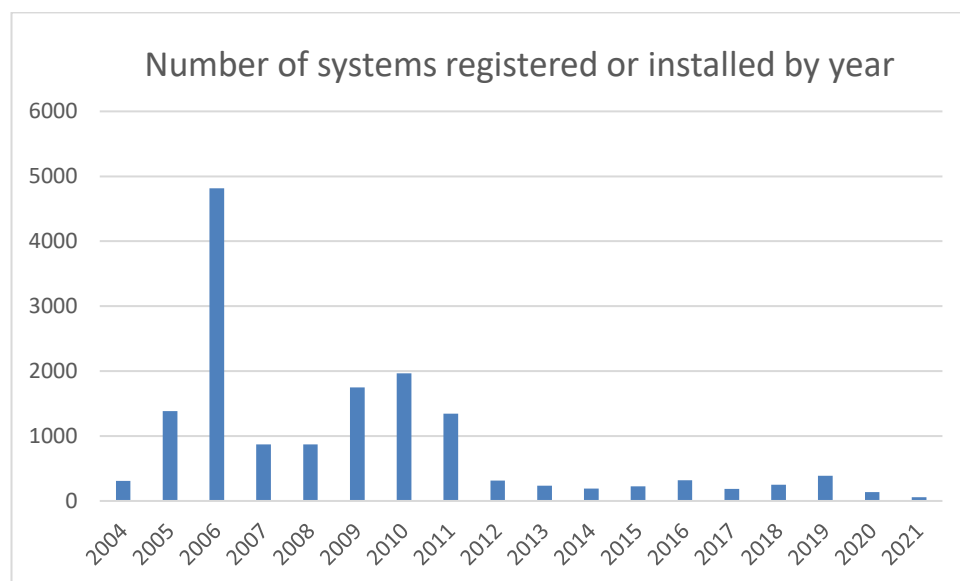


Table 1: Table showing type and number of on-site wastewater system installed in the Far North District

Type of on-site wastewater system installed	Number
Aerated Wastewater Treatment System Domestic	2793
Aerated Water Treatment System Commercial	3
E-Bin	6
Effluent Disposal System	166
Miscellaneous	149
Self-Composting System	264
Self-Serviced Aerated Wastewater Treatment System	8
Septic Tank	12213
Grand Total	15602

5.2 Requirements

The design and installation of on-site wastewater disposal systems is already regulated under the Building Act 2004 and Resource Management Act 1991. Some components of this section of the Bylaw repeat what is already covered in other legislation and are therefore unnecessary.

Clause 2803.2 states that “No On-Site Wastewater Disposal System shall be permitted to serve more than a single dwelling unit” meaning that decentralised wastewater systems are not permitted in the Far North District. Decentralised wastewater systems support urban growth, are easier to maintain, and are easier to retrospectively connect to a community wastewater system.

The current review of the Far North District Plan is investigating encouraging the use of decentralised wastewater systems. A new Bylaw would need to ensure decentralised wastewater systems are permitted.

5.3 Inspections

The Bylaw requires landowners in the Far North District to undertake any maintenance or repair work requested by the Council, at the owner’s expense. Inspections are conducted during audits, as a result of a complaint, or when identified as needed by on-site wastewater system maintenance contractors.

5.4 Maintenance requirements

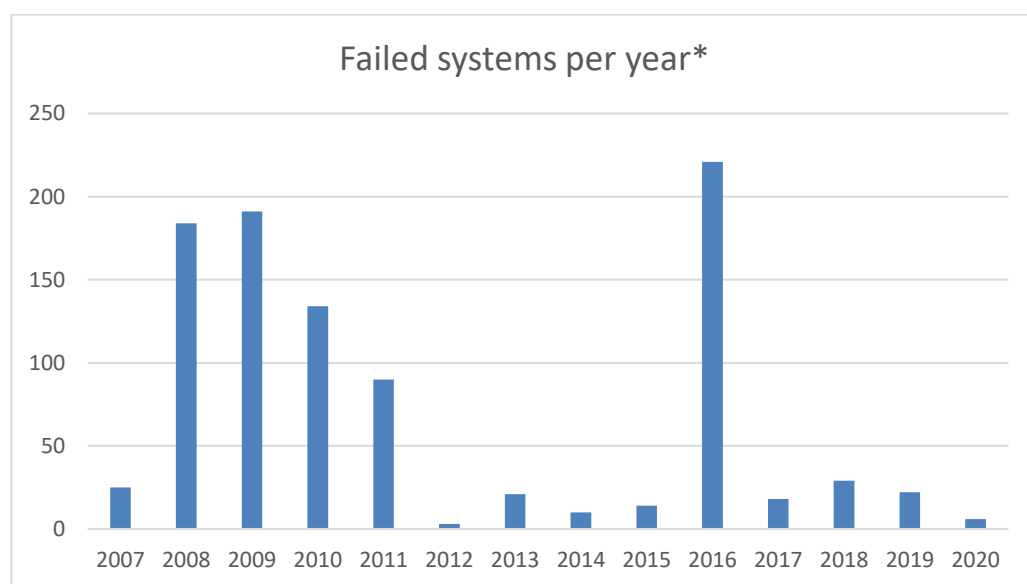
The Bylaw requires all on-site wastewater disposal systems to be assessed and if necessary, maintained every five years. The original Bylaw, made in 2006, required owners to assess their on-site wastewater disposal systems every three years. The 2010 review extended this to five years after community consultation. Further investigation is required to assess if five years is an appropriate maintenance schedule.

Septic tank cleaning and maintenance contractors are required to complete a site assessment check sheet and provide this information to Council. Secondary treated systems require the maintenance contractor to provide Council with evidence of routine maintenance. On-site wastewater disposal system contractors are approved by Council through an application process which includes health and safety assessments and allows for Council to provide quality control processes.

The owner of the on-site wastewater disposal system is responsible for the cost of assessment, cleaning and any repairs or maintenance.

Table 2 shows the number of failed on-site wastewater systems since 2007. As to be expected, there was a higher number of failed systems until 2011 as the Bylaw was being put into effect. The low numbers of failed systems from 2012 indicate that regular maintenance regulations are preventing systems failure and therefore preventing effluent discharge and contamination. Of note is the number of requests to rectify, of which there were none in 2019 and 2020 (Table 2).

Figure 3: Graph showing total number of on-site wastewater disposal system failures by year



*Failed systems relates to the total number of failures as per Table 2.

Table 2: Table showing total number of on-site wastewater disposal system failures by failure type per year in the Far North District

Failures	Year 2007 - 2020													
	07	08	09	10	11	12	13	14	15	16	17	18	19	20
EHO - Notice to Fix					1									
Failed soakage / Effluent Field				4	4				2	4				
Lack of Maintenance										1				
Failure Suspected											1	15		5
Failure Confirmed				4	4	2		4	1	2	1			
Maintenance Required				5	3			2	4	9	12	12	22	1
Request to rectify	25	184	191	121	78	1	21	4	7	205	4	2		
TOTAL	25	184	191	134	90	3	21	10	14	221	18	29	22	6

In 2016, audits were conducted on all properties near Kerikeri. This was to gather area specific research to support a proposal for a new community wastewater system. The audit identified several systems that required repairs, hence the high number of requests to rectify in 2016. The community wastewater system has since been installed.

6 Other possible methods (beside a bylaw) to address the maintenance of on-site wastewater disposal systems

6.1 Council services all on-site wastewater disposal systems in the Far North District

Council could service all on-site wastewater disposal systems. The service would include regular inspections and cleaning of on-site wastewater disposal systems. Cost for the service would depend on the type of on-site wastewater disposal system installed on the property and need to be recovered via a targeted rate.

The most common (78%) type of on-site wastewater disposal system in the Far North District is a septic tank. Current on-site wastewater cleaning contractors charge between \$500 and \$700 for each septic tank clean. Therefore, a targeted rate of between \$100 and \$150 per annum would be required for every property with a septic tank installed.

Currently, septage is placed through a screen at certain wastewater treatment plants. Not all plants have a septage screen. Therefore, screens may need to be installed to ensure septage is being processed within a localised area.

Council has systems in place for servicing on-site wastewater disposal systems as Council currently services on-site wastewater systems on council owned properties and specific communities for example Kohukohu.

There is a risk that the system could become damaged during the cleaning process and Council may be held responsible for repairs to damage. In some case it may be difficult to identify if the damage was pre-existing or caused by the cleaning process.

Even with Council servicing all on-site wastewater disposal systems, property owners would still be responsible for any repairs required to their on-site wastewater systems. Without a bylaw, this would need to be enforced under the Health Act 1956. Enforcement under the Health Act 1956 can only occur in the case of a complete failure of an on-site wastewater disposal system.

However, central government is currently in the process of undertaking significant reforms to Three Waters management. As a result of the reforms, it is highly likely that the operations and maintenance of wastewater will be regionalised. Therefore, it would be imprudent to make significant changes to the management of on-site wastewater disposal systems before the reforms have been finalised.

6.2 Council provides information, education, and advice

Council could support the on-going maintenance of on-site wastewater systems through a system of providing information, education, and advice.

The Bylaw has enabled the development of accurate on-site wastewater disposal system records and maintenance systems. As all new on-site wastewater disposal systems require Council consent, the records regarding the number and type of on-site wastewater disposal systems would remain accurate without a bylaw.

Council has a system in place to send reminder notices to property owners when their on-site wastewater disposal systems are due for assessment. Assessment is conducted by independent contractors. Contractors are audited for quality control, and education is provided to contractors to ensure adequate servicing of on-site wastewater disposal systems. Contractors inform Council of the status of a disposal system once cleaning has occurred. Without a bylaw, these systems could remain in place and form the basis of an information, education and advice programme.

Information on maintenance of on-site wastewater disposal systems is provided on the Far North District Council, Northland Regional Council and Ministry for the Environment websites.

When the Bylaw was first introduced, Council provided property owners the option of having their septic tank inspected free of charge. This service no longer exists. However, to be able to provide advice to property owners, Council could reinstate the inspection service. The inspection service could be offered either free of charge or as a low-cost fee. The service would require at least one full time equivalent to implement.

Property owners are incentivised to regularly maintain on-site wastewater disposal systems as:

- poorly maintained on-site wastewater systems require expensive repairs and reduce the lifespan of a system
- the property owner is at the greatest risk of exposure to effluent discharge and contamination.

However, without the added incentive of regulation, property owners may delay the expense of routine maintenance for a year or two resulting in on-site wastewater disposal system failure.

The Far North District Council surveys conducted in 2002-2003 and national evidence indicate that relying on information only results in a 15-50% failure rate of on-site wastewater disposal systems. It is difficult to assess the potential effectiveness of maintaining the reminder notice system outside of a bylaw as research has not identified another territorial authority which uses a reminder system outside of a bylaw.

Enforcement would occur under the Health Act 1956 only in the case of a complete failure of an on-site wastewater disposal system.

7 Discussion

7.1 Is a bylaw the most appropriate way to address problems relating to on-going maintenance of on-site wastewater systems in the Far North District?

A bylaw is the most appropriate way to address problems relating to on-going maintenance of on-site wastewater systems in the Far North District for the following reasons:

- maintenance of on-site wastewater disposals systems is not covered under existing legislation
- the current Bylaw has been effective in preventing on-site wastewater system failures and therefore
 - preventing effluent discharge and contamination
 - protecting public health
 - preventing or abating health nuisances
- nationally, providing information only has resulted in a 15-50% failure rate
- without a bylaw, enforcement can only occur in the case of complete failure of an on-site wastewater disposal system

7.2 Is the current Bylaw the most appropriate form of bylaw?

Whilst the current Bylaw has been effective in regulating on-site wastewater disposal systems, some of the provisions of the Bylaw should be amended. Therefore, the new Bylaw should not keep the same provisions as the current Bylaw.

Amendments include:

- removing provisions which are covered under existing legislation e.g., Building Act 2004, Resource Management Act 1991
- streamlining provisions to ensure there is no duplication within the Bylaw
- removing provisions which only permit one dwelling to be served by a wastewater system, allowing for the provision of decentralised wastewater systems.

Further legal review will be required to ensure the most appropriate form of bylaw is presented to the Council before community consultation begins.

8 Conclusion

Bylaw controls remain a necessary regulatory mechanism for:

- ensuring the maintenance of on-site wastewater disposal systems, therefore
 - preventing effluent discharge and contamination
 - protecting public health
 - preventing or abating health nuisances.

A new, appropriate form of bylaw should be made to control on-site wastewater disposal systems.

6.4 REVIEW OF PSYCHOACTIVE SUBSTANCES LOCAL APPROVED PRODUCTS POLICY 2014**File Number: A3183935****Author: Briar Macken, Planner****Authoriser: William J Taylor MBE, General Manager - Strategic Planning and Policy (Acting)****TAKE PŪRONGO / PURPOSE OF THE REPORT**

The purpose of this report is for Council to agree that the Psychoactive Substances Local Approved Products Policy 2014 has been reviewed and should continue without amendment.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- The Psychoactive Substances Local Approved Products Policy (the Policy) was due for review in October 2019.
- The Policy continues to be in effect even though it is due for review.
- There are currently no approved psychoactive products, although a product can be approved at any time.
- The Policy aims to minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- The Policy adheres to best practice evidence.
- The Policy should continue without amendment.
- This report was presented to the Strategy and Policy Committee at their meeting on 04 May 2021. The committee make the following recommendation to Council.

Note: An approved product is defined as; a psychoactive product approved by the Authority under section 37 of the Psychoactive Substances Act 2013.

TŪTOHUNGA / RECOMMENDATION**That Council:**

- a) **agree that the Psychoactive Substances Local Approved Policy has been reviewed; and that,**
- b) **agree that the Psychoactive Substance Local Approved Policy should continue without amendment.**

1) TĀHUHU KŌRERO / BACKGROUND

The Psychoactive Substances Local Approved Products Policy (the Policy) was made in October 2014 utilising the Council's discretionary functions under section 66 of the Psychoactive Substances Act 2013.

The Policy is to be considered by the Psychoactive Substances Regulatory Authority when determining applications for licenses.

Under section 69 of the Psychoactive Substance Act 2013, the Policy must be reviewed every five years. The Policy is therefore overdue for review (October 2019). However as per section 69 of the Psychoactive Substance Act 2013 the Policy does not cease to have effect because it is due for review.

The Psychoactive Substances Act 2013 does not prescribe the process for the review. The only requirement is to undertake the special consultative procedure if amending or replacing the policy.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Council's role relating to psychoactive substances

The Council has little authority over the sale of psychoactive substances as outlined below.

- Psychoactive products approved by the Ministry of Health are a legal product.
- The regulation of retail premises selling psychoactive substances (including the location) is enforced by the NZ Police and the Ministry of Health.
- Licences are issued by the Psychoactive Substances Regulatory Authority.
- The Council has no role in issuing licenses or in enforcement.
- The Council cannot ban the sale of legally approved products.

Under sections 66 – 69 of the Psychoactive Substance Act 2013, a policy may address the following matters:

- the location of premises from which approved products may be sold by reference to broad areas within the district.
- the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district.
- the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

The policy was developed in response to concerns raised regarding the sale of psychoactive substances, from residents, community stakeholders and with advice from Police and Public Health.

Review findings

It is not possible to review the effectiveness of the Policy as it has not had an opportunity to be put into effect due to no currently approved products.

No licence applications for retailing, manufacturing, or wholesaling products have been received by the Psychoactive Substances Regulatory Authority. Evidence from animal testing was prohibited in 2014. Therefore, the Regulatory Authority cannot approve or licence any product until an alternative to animal testing is available.

However, alternatives are being developed including in vitro methods, using human cells and tissues, and advanced computer modelling techniques. Therefore, applications for approved products can still occur at any time.

The policy adheres to best practise evidence and meets current legislative requirements. The sensitive site definitions are in accordance with best practice and will likely be interpreted by the Authority as intended.

Unfortunately, the policy refers to a job description (General Manager Environmental Management) that has been restructured (to General Manager District Services). The process to ensure delegations are in place has commenced.

Any amendments to the policy, including minor amendments, will need to undergo a special consultation procedure under section 83 of the Local Government Act 2002. Consultation will incur indicative costs upwards of \$30,000.

Option One: Status quo: The Policy stays in force with no changes (recommended option)

Policy follows best practice and meets current legislative requirements. Delegations are in place to ensure continued monitoring of policy implementation.

A product can be approved at any point in time.

Advantage and disadvantages of keeping the provisions of the policy

- Advantages**
- A Policy is already in place if a product is approved requiring:
 - approved products to be restricted to commercial zones
 - approved products not to be sold near sensitive sites, preventing the normalisation of psychoactive substances to children
 - More cost effective in that there will be less consultation costs than if the Policy was revoked and a product was approved requiring a new policy in the future.
- Disadvantages**
- Policy continues to have provisions that are unnecessary because there are no approved products

Option Two: Revoke the Policy

As there are currently no approved products the policy could be revoked, and a new policy developed if/when a product is approved. Developing a new policy takes 12 to 18 months.

Advantages and disadvantages of revoking the Policy

- Advantages**
- Removing provisions that are unnecessary because there are no approved products
- Disadvantages**
- Extra consultation and resource costs in developing a new policy when a product is approved
 - Risk of approved products being able to be sold at any location if a new policy is not developed in time
 - Reputational risk as it may appear the Council is not being proactive in preventing community harm

Take Tūtohunga / Reason for the recommendation

The policy adheres to best practise evidence. Therefore, the Policy is still the most appropriate way to address problems relating to the sale of approved psychoactive substances in the Far North District.

Next steps

If the Council agrees with the recommendation, that the Policy stays in force without amendment, no further actions are required.

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

No further actions are required. The cost of monitoring the implementation of the policy will be met from existing operating budgets.

ĀPITI HANGA / ATTACHMENTS

1. **Psychoactive Local Approved Products Policy 2014 - A2107451** [↓](#) 
2. **Research Report - Psychoactive Substances - A3113125** [↓](#) 

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	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	As retaining the status quo will have little effect on ratepayers or level of service, the level of significance as determined by the <i>Significance and Engagement Policy</i> is low. Under the psychoactive Substances Act 2013, consultation is not required if the Policy continues without amendment.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Psychoactive Substances Act 2013 sections 66-69 apply to the decision recommended in this report.
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.	As the recommendation is to maintain status quo, the Community Boards views have not been sought.
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.	This decision is not significant and does not relate to land and/or any body of water.
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).	Affected and interested parties were given an opportunity to share their views and preferences during the development of the Policy including: <ul style="list-style-type: none"> • community groups concerned with psychoactive substances. • Ngā Tai Ora – Public Health Northland. • Ministry of Health. • New Zealand Police.
State the financial implications and where budgetary provisions have been made to support this decision.	The cost of monitoring the implementation of the policy will be met from existing operating budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Psychoactive Substances (Local Approved Products) Policy (#3123)

Adopted: 30 October 2014

Background

A Local Approved Products Policy (LAPP) is a set of policy criteria and decisions made by Council in consultation with its community which may restrict the location of premises selling psychoactive products in its geographical area. This policy addresses community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Psychoactive Substances Act 2013 (the 'Act').

A LAPP provides the Psychoactive Substances Regulatory Authority ('Authority') with a policy framework when making decisions on licence applications to sell psychoactive products in the Far North.

Legislative Context

The LAAP policy framework enables the Authority to better meet the purpose of the Act, which states that "The purpose of this Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances".

Objectives

The purpose of this policy is to set a clear framework to be applied to all applications that the 'Psychoactive Substances Regulatory Authority' considers when granting licenses for premises that sell approved products in The Far North District.

The objectives of this policy are to:

- Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- Ensure that Council and the community have influence over the location of retail premises in the District.

The policy applies to any application for licence as defined in the Act to sell approved products from a retail premise from the date that this policy comes into force

This policy does not apply to retail premises where internet sales only are made or to premises where the sale of approved products is by wholesale only.

The requirements of the Resource Management Act 1991, Hazardous Substances and New Organisms Act must be met in respect of any premises holding a licence.

Policies

1. This policy does not limit the number of retail premises or restrict the issue of licences, provided the policy criteria outlined below are met:
 - a. The location of retail premises from which approved products may be sold is restricted by this policy to locations within a commercial zone as designated in the District Plan.

- b. All retail premises from which approved products may be sold are not permitted within 100 metres of a sensitive site existing at the time the licence application is made (see Appendix 2); separation distances are measured from the legal boundary of each sensitive site.
 - c. Retail premises from which approved products may be sold are not permitted within 500 metres of other retail premises from which approved products may be sold; separation distances are measured from the legal boundary of the premise.
- 2. The General Manager Environmental Management will monitor the implementation of this policy. The policy will be reviewed every five years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

Appendix – Definition of Terms

APPROVED LOCATION means an area where premises from which approved products may be sold are permitted to be located.

APPROVED PRODUCT means a psychoactive product approved by the Authority under Section 37 of the Act.

AUTHORITY means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act.

CENTRAL BUSINESS DISTRICT (CBD) means the area of any town designated as CBD in the Proposed The Far North District Plan (or the resulting Operative District Plan).

CHILDCARE FACILITIES means premises (public and private) where children are cared for or given basic tuition and includes a crèche, day or after-school care, pre-school, kindergarten, kohanga reo or play centre. This term excludes a school.

EDUCATIONAL INSTITUTION means premises used to provide regular post-school education or vocational training; includes private tertiary establishments.

LICENCE means a licence, as defined by the Act.

MEDICAL CENTRES means premises providing services for essential physical and mental health and welfare, performed by duly qualified practitioners or by persons in their employ, for example, primary health providers (general practitioners).

PSYCHOACTIVE PRODUCT means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substance.

PSYCHOACTIVE SUBSTANCE means a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance

REGULATIONS means regulations made under the Act.

RETAIL PREMISES means premises for which a licence to sell by retail has been granted.

RETAILER means a person engaged in any business that includes the sale of approved products by retails.

SCHOOL means premises used to provide regular instruction or training of children including primary, intermediate and secondary schools, and their ancillary administrative, cultural, recreational or communal facilities.

SELL includes sold and sale. Includes every method of disposition for valuable consideration, for example:

- (a) offering or attempting to sell or giving in possession for sale, or exposing, sending, or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale
- (b) retailing
- (c) wholesaling.

SENSITIVE SITE includes:

- (a) any library, museum, community hall or recreational facility
- (b) any place of worship, school, childcare facilities, or other educational institution
- (c) any premises occupied by a social welfare agency such as Work and Income or similar agency

- (d) pharmacies and medical centres
- (e) public parks, any District Court, Council owned public toilets and any bus stop where school children are picked up or dropped off
- (f) any property located in a residential zone as designated in the Far North District Plan
- (g) any marae.

THE ACT means the Psychoactive Substances Act 2013

1 Purpose

To describe and discuss the review of the Psychoactive Substances Local Approved Products Policy (2014).

2 Context and Situation

Under section 69 of the Psychoactive Substance Act 2013, the Council's Psychoactive Substances Local Approved Products Policy 2014 (the Policy) must be reviewed every 5 years. The Policy is therefore overdue for review (October 2019). However as per section 69 of the Psychoactive Substance Act 2013 "*A local approved products policy does not cease to have effect because it is due for review or is being reviewed*". The Council needs to decide whether the Policy is the most appropriate way to address problems relating to the sale of approved psychoactive substances in the Far North District.

2.1 Council's role relating to psychoactive substances

Psychoactive products approved by the Ministry of Health are a legal product. The regulation of retail premises selling psychoactive substances (including the location) is enforced by the NZ Police and the Ministry of Health. Licences are issued by the Psychoactive Substances Regulatory Authority (the 'Authority'). The Council has no role in issuing licenses or in enforcement. The Council cannot ban the sale of legally approved products.

Under sections 66 – 69 of the Psychoactive Substance Act 2013, the Council may have a policy relating to the sale of approved products in the Far North District. The policy may address the following matters:

- the location of premises from which approved products may be sold by reference to broad areas within the district
- the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district
- the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

Under section 10 of the Local Government Act 2002, the purpose of local government is to "... promote the social, economic, environmental, and cultural wellbeing of communities, in the present and for the future". Psychoactive substances can cause harm to the wellbeing of communities through direct health effects on the user, but also indirectly by impacting the wellbeing of their families and the economy (increase in unemployment, increase in poverty). One way to prevent the future use of psychoactive substances is to denormalise drug use by preventing children and young people from being exposed to people using psychoactive substances.

3 Objectives

3.1 Purpose of review

To determine whether a policy is still the most appropriate way to address problems relating to the sale of approved psychoactive substances in the Far North District.

3.2 Review objectives

- To define psychoactive substance related problems in the Far North District that are within Council's function to control.
- To identify if a policy is still the most appropriate way to address the regulation of psychoactive substances in the Far North District.
- To identify if the Policy meets current legislative requirements.

4 Problem Definition

4.1 Scope

In scope

Problems relating to the location from which approved products may be sold within Far North District.

Note: An approved product is defined as; a psychoactive product approved by the Authority under section 37 of the Psychoactive substance Act 2013.

Out of scope

The importation, manufacture, sale, supply, or possession of a psychoactive substance including which substances are approved products as this is regulated by the Psychoactive Substances Act 2013.

4.2 Purpose of current Policy

The Psychoactive Substances Act was introduced in 2013 and allows for the sale of legally approved psychoactive substances in New Zealand. The policy was developed in response to concerns raised, regarding the sale of psychoactive substances, from residents, community stakeholders and with advice from Police and Public Health.

The Policy sets a clear framework to be applied to all applications that the 'Psychoactive Substances Regulatory Authority' considers when granting licenses for premises that sell approved products in the Far North District.

The objectives of the Policy are to:

- Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- Ensure that Council and the community have influence over the location of retail premises in the District.

Following a consultation process, the Policy was deemed to be the most appropriate way to address problems relating to the sale of approved psychoactive substances in the far North District.

The policy regulates the following:

- The location of retail premises from which approved products may be sold is restricted to locations within a commercial zone as designated in the District Plan
- Retail premises from which approved products may be sold are not permitted within 500 metres of another retail premises from which approved products may be sold
- All retail premises from which approved products may be sold are not permitted within 100 metres of a sensitive site existing at the time the licence application is made.

Note: The extensive list of sensitive sites can be found within the Policy.

4.3 Other problems relating to psychoactive substances not currently controlled or addressed by the Policy

The Policy addresses all the matters in which are a function of the Council to control under the Psychoactive Substances Act 2013.

Currently, there are no approved products available for sale, therefore there are no additional problems relating to psychoactive substances.

5 Review of Policy

Currently, there are no approved products. No licence applications for retailing, manufacturing, or wholesaling products have been received by the Psychoactive Substances Regulatory Authority. Licences have been issued for research and import (for research purposes).

One of the main barriers to enabling an approved product is a 2014 amendment to the Act which prohibited considering evidence from testing on animals to approve a product. Therefore, the Psychoactive Substances Regulatory Authority cannot approve or licence any product until an appropriate alternative to animal testing is

available. Alternatives being developed internationally include in vitro methods, using human cells and tissues, and advanced computer modelling techniques.

Applications for approved products can occur at any time.

It is not possible to review the effectiveness of the Policy as it has not had an opportunity to be put into effect.

However, the Policy adheres to best practice evidence in that the Policy

- Restricts access to our most vulnerable communities
 - easier access leads to increased use and harm
 - increased visualisation leads to increased uptake and normalisation
- Prevents clustering of retail premises. Clustering can lead to
 - an increase in other harm related activities in that area
 - a change of character of that particular area
 - increased harm due to price competition
 - people exhibiting antisocial behaviours congregating
- Restricts access to commercial zones which prevent harm by
 - having increased visibility with higher foot and vehicle traffic
 - having increased CCTV cameras
 - higher police and security presence
 - restricts availability in residential neighbourhoods.

Section 69 of Psychoactive Substances Act 2013 enables a policy to restrict retail premises at a broader scale and tied to a district plan zone such as a commercial zone. The operative district plan does not categorise commercial zones such as urban centres, local centres or convenience and service areas found within residential areas. Consequently, a retail premise could locate within a residential area, and be contrary to the intent of the policy.

Most commercial zones within residential areas are occupied by dairies, petrol stations and small supermarkets. While there is ability for retail premises to establish within residential areas, restrictions on place of sale of psychoactive substances under section 52 of Psychoactive Substances Act 2013 prohibit psychoactive substances from being sold at a dairy, supermarket, liquor store or petrol station. To restrict retail premises to urban or local centres, the District Plan would need to differentiate commercial zones.

The Policy meets current legislative requirements and there are no foreseeable amendments to legislation.

The Policy states that “the General Manager Environmental Management will monitor the implementation of this policy” (clause 2). This job description has since been restructured into the General Manager District Services. However, under the Local Government Act 2002, schedule 7, clause 32 (3), the Chief Executive can delegate the functions of the General Manager Environmental Management in regard to this policy to the General Manager District Services. Therefore, in order to continue with the provisions of the policy, delegations will need to be in place.

It is not best practice to include job titles in a policy. If during future reviews, further amendments are required, the component referring to the General Manager Environmental Management should be removed.

6 Discussion and Conclusion

The Policy has been developed and adopted in order to reduce community harm from the sale of psychoactive substances in the Far North District.

As there have been no approved products to date it is not possible to review the effectiveness of the policy.

However, it is possible for a product to be approved at any time.

The policy adheres to best practise evidence.

Therefore, the Policy is still the most appropriate way to address problems relating to the sale of approved psychoactive substances in the Far North District.

6.5 PARKING ENFORCEMENT SERVICES

File Number: A3193410

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek approval to make application for the delegation to enforce stationary parking offences on State Highway across the Far North District from Waka Kotahi New Zealand Transport Agency (NZTA).

To seek approval to trial the enforcement of stationary vehicle Warrant of Fitness (WoF) and Vehicle Registration across the Far North District.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Parking Wardens can undertake parking enforcement activity on behalf of Council under the Land Transport Act 1998, Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 and Land Transport (Offences and Penalties) Regulations 1999.
- The Far North District Councils Parking Warden monitors parking across the district focussing on central business districts on Council controlled roads only.
- Waka Kotahi has sole powers of control for all purposes of state highways and can delegate some of these powers to the Council. Stationary vehicle offences are one of these delegations.
- If delegations are received by FNDC, the new parking bylaw can be drafted to include state highway parking and enforcement, providing consistency across the region and potentially additional income.
- It is illegal to operate a vehicle without a valid Warrant of Fitness (WoF) and current Vehicle Registration. Council has authority to check and issue infringements for invalid registrations and WOF's on stationary vehicles. Currently this provision has not been enforced by FNDC Parking Wardens.
- This type of enforcement ensures that fewer unregistered and unsafe vehicles are on our road.
- This report was presented to the Regulatory Compliance Committee at their meeting on 4 May 2021. The Regulatory Compliance Committee makes the following recommendation to Council.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) makes application for the delegation to enforce stationary parking offences on State Highway from Waka Kotahi (the New Zealand Transport Agency); and
- b) commences a trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district.

1) TĀHUHU KŌRERO / BACKGROUND

State Highway Delegation:

There have been several requests for Parking Wardens to enforce parking along the districts state highways, in particular Marsden Road, Paihia.

Waka Kotahi (the NZ Transport Agency) has sole powers of control for all purposes of all state highways under the Government Rounding Powers Act 1989 (GRPA).

Section 62(1) of the GRPA, authorises the Transport Agency to delegate to territorial authorities all or any of the functions, duties, and powers of control conferred on the Transport Agency by the

GRPA with respect to any state highway or any portion of a state highway where it makes good sense for the Council to perform that role.

One of the powers the agency can delegate to council is for stationary vehicle offences via an Instrument of delegation

If delegations are received it allows Council to.

(a) put vehicle parking restrictions on state highways in our bylaw, and

(b) enforce stationary vehicle offences on state highways.

Vehicle Warrant of Fitness and Registration:

It is illegal to operate a vehicle without a valid and visible WoF and Registration unless driving directly to a place where repairs will be conducted.

Council Parking Wardens are authorised to enforce these provisions on stationary vehicles. To date FNDC wardens have not been enforcing this requirement across the district.

Government make the regulations that prescribe the fees for these offences. Council does not have the ability to change the amount. The fine amount is \$200 for not displaying or having an outdated WoF/Registration.

Waka Kotahi have recently released 'Road to Zero – NZ's road safety strategy, which sets a target to reduce deaths and serious injuries on New Zealand roads, streets, cycleways and footpaths by 40 percent over the next 10 years.

One key focus area under 'Road to Zero' is vehicle safety.

It is important that a vehicle always remains safe to drive and can prevent a crash or protect its occupants to reduce the numbers of deaths and injuries on our roads. A warrant of fitness (WoF) is a regular check to ensure that a vehicle meets required safety standards.

Council Parking Wardens can play an important role to ensure that there are fewer unsafe and unregistered vehicles on our roads across the district.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

State Highway Delegation:

The current Parking and Traffic Control Bylaw will be automatically revoked on 17 June 2022 and all the existing parking and road use regulation will cease to have effect and a new bylaw is required.

If delegations are received by FNDC, the new Parking bylaw can be drafted to include state highway parking and enforcement, providing consistency across the region and potentially additional income. This new bylaw is expected to come into effect in 2022.

It is recommended to seek delegation from Waka Kotahi for the power to make bylaws regulating parking on all sections of state highway in the district to ensure that the delegation can be drafted into the new Parking Bylaw so that stationary vehicle offences are enforced consistently across the district.

Vehicle Warrant of Fitness and Registration:

The proposal to implement a trial period for the FNDC parking warden to include expired WoF and Registration compliance into their current monitoring regime, should follow the VADE regulatory model of enforcement (Voluntary > Assisted > Directed > Enforced).

Following the VADE regulatory model, initially a lead in awareness and information communications would need to occur via a council lead communication plan. The compliance focus would be on the safety aspect of ensuring vehicles are legal and safe for use on the district's roads and the consequences of non-compliance to avoid fines.

Once active monitoring commences, expired WoF and Registrations would be given a one-month grace period, from expiry date before any infringements are issued. A reminder/advice note would be given in the interim periods.

Infringements can be cancelled/waivered if owner provides documentation that registration/WoF has been paid the same day as infringement notice.

To receive a clear indication of the community's compliance and any future impact on resourcing that WoF and Registration enforcement would generate it is recommended that.

- The trial run for a period of one year, with a review of the impacts after six months
- Monthly reports from Parking Warden on trends, compliance, and awareness within community
- Administration reports on infringements issued, objected to, waived, and paid

Take Tūtohunga / Reason for the recommendation

The recommendations:

- provide for consistency across the district for parking enforcement
- Ensure safe and legal vehicles are travelling on the district's roads.

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

No financial implications involved in recommendation. Potential increase in revenue from increase infringements capability from delegations and extra regulation, which may require additional in-house resources for processing in the longer term.

ĀPITIHINGA / ATTACHMENTS

1. **Parking Enforcement Services - A3166581** [↓](#) 

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	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.	Local Government Act 2002 FNDC Parking and Traffic Control Bylaw 2010 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. The content of the new bylaw would be developed in partnership with tāngata whenua
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).	District wide
State the financial implications and where budgetary provisions have been made to support this decision.	No financial budgetary implications regarding decisions. Potential revenue increase from infringements which may require additional council resources to process.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Parking Enforcement Delegation for State Highway

- **Waka Kotahi New Zealand Transport Agency (NZTA) has sole powers of control for all purposes of all State Highways.**
- **Waka Kotahi can delegate some of these powers to the Council. Stationary vehicle offences is one of those delegations**
- **If delegations are received it allows Council to.**
 - (a) put vehicle parking restrictions on state highways in our bylaw, and**
 - (b) enforce stationary vehicle offences on state highways.**
- **It is recommended that Far North District Council:**
 - Makes application for the delegation to enforce stationary parking offences on State Highway from Waka Kotahi (the New Zealand Transport Agency)**

Next Steps...

- **Council to decide on delegation and to which areas of state highway required within application**
- **Council and NZ Transport Agency sign delegation instrument**
- **A new Parking Bylaw drafted to include state highway delegation**
- **Passing of new bylaw following consultation**
- **Enforcement can occur once bylaw is passed**

WoF and Vehicle Registration Enforcement

- **It is illegal to operate a vehicle without a valid and visible WoF and Registration unless driving directly to a place where repairs will be conducted.**
- **Council's parking wardens can be authorised to enforce these provisions on stationary vehicles, ensuring there are less unregistered and unsafe vehicles on our roads.**
- **The fines for these offences are established by parliament. Council does not have the ability to change the amount. The fine amount is \$200.**
- **It is recommended that Far North District Council commence a trial period of enforcing stationary vehicle WoF and Registration offences across the district.**

WoF and Vehicle Registration Enforcement Trial

- **Safe vehicle education and awareness campaign**
- **Inclusion of WoF and Registration compliance into current monitoring regime**
- **Provision of grace period, providing reminder to vehicle owner of responsibilities**
- **To receive a clear indication of the community's compliance and any future impact on resourcing that WoF and Registration enforcement would generate it is recommended that**
- **The trial run for a period of one year, with a review of the impacts after six months**
- **Monthly reports from Parking Warden on trends, compliance, and awareness within community**
- **Administration reports on infringements issued, objected to, waived, and paid**

6.6 EXECUTIVE REVIEW COMMITTEE DELEGATIONS AND APPOINTMENT OF DEPUTY CHAIRPERSON TO THE COMMITTEE

File Number: A3173167

Author: Caroline Wilson, Manager - District Administration

Authoriser: Jacine Warmington, General Manager - Corporate Services (Acting)

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek approval for the updated Executive Review Committee delegations and appoint Councillor Stratford as the Deputy Chairperson of the Executive Review Committee.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Delegations for Committees were approved in late 2019 by Council. Those associated with the Executive Review Committee are relatively high level and not specific in how they align with the Local Government Act.
- There was no Deputy Chairperson appointed at the time of adopting the delegations for Committees which needs rectifying in light of workload commitments of the Chairperson.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) adopt the revised Executive Review Committee delegations.**
- b) appoint Councillor Stratford as the Deputy Chairperson of the Executive Review Committee.**

1) TĀHUHU KŌRERO / BACKGROUND

Council adopted the delegations for the Executive Review Committee (ERC) in 2019. Whilst they articulate the responsibilities of the Committee at a high level, they are not specific insofar as how they align to the requirements of the Local Government Act. This has now been rectified and made clearer to allow the Committee to move forward in its activities within the Committee's realm.

Council, and Council only, remain the only body who can appoint the chief executive and this does not change with the amended delegations.

At the time of establishing the Committee in 2019 there was no intention to appoint a Deputy Chairperson for this Committee, the responsibility for chairing sitting with the Deputy Mayor. However, workloads associated with the activities of the ERC have increased, along with general workloads, resulting in occasions where there are conflicts that cannot simply be resolved by moving the meeting dates around. Therefore, it is appropriate to appoint a Deputy Chairperson to ensure the business of the Committee and wider Council can continue without unnecessary re-arrangements which impact on deadlines. This is consistent with other adopted Committees of this Council which each have an appointed Deputy Chairperson.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The purpose of the ERC is to monitor the performance of the chief executive, along with the requirement to conduct a performance review at the end of the first term of appointment under Schedule 7, clause 35 of the Local Government Act.

Monitoring the performance of the chief executive also includes considering remuneration, any issues regarding the employment of the chief executive and supervising the recruitment and selection process for a chief executive. These are outlined within the current delegations but without specific mention of the relevant section/s of the LGA.

Since the work of the ERC can be tightly time bound, officers have removed the requirement for any single purchase of professional services above \$15,000 to come before Council. It is simply not expedient to operate in this manner as matters are often unanticipated and urgently require action and resolution. A process to manage this effectively and confidentially has been established between the Chair of the ERC and the General Manager, Corporate Services.

Option 1 – amend the delegations to incorporate specific sections of the LGA

In this option, specific sections of the Act will be added to the powers delegated to the ERC. This ensures there is no ambiguity about the activities of the ERC and what they align with. This is the preferred option.

Option 2 – retain the current delegations

In this option, we retain the current wording within the delegations. This could call into question interpretation of powers and delay the work of the ERC by having to bring decisions before Council.

The appointment of a Deputy Chairperson is important to ensure the business of the Committee can be efficiently and effectively carried out. It is consistent with all other Committees who have appointed Deputy Chairpersons.

Take Tūtohunga / Reason for the recommendation

To ensure the delegations are clear and that there can be no mis-interpretation of powers and where they align within the legislation.

Appointing a Deputy Chairperson is important to allow the Committee to perform its responsibilities effectively and efficiently.

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

There are no financial implications as a result of this report. There is no additional remuneration required for the role of Deputy Chairperson, nor are there any new budgetary implications for the ERC.

ĀPITI HANGA / ATTACHMENTS

1. 2. Register of Delegations for Executive Review Committee - revised 2021 - A3173178




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	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.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Local Government Act outlines the responsibilities of the Council in relation to the appointment and performance monitoring of the chief executive. Council has delegated powers in relation to this to the ERC (with the exception of the decision to appoint and set the terms of appointment of a chief executive, which only full Council can make).
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.	There is no specific relevance for Community Boards. They do not appoint or manage the chief executive.
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 for Māori as this is a governance function under the LGA.
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).	There are no implications for any other groups as this is a governance function under the LGA.
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

	Authorising Body	Local Government Act 2002
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Executive Review Committee Terms of Reference
	Approval Date	20 May 2021

Role of the Executive Review Committee

Council sets its vision and values to underpin its strategic direction. This guides the organisation as it works to make the Far North District an attractive place to live, work, and play. Council is forward looking, acting strategically to prepare for the district's future.

Council employs the chief executive, who in turn employs and manages Council staff. Council therefore has a responsibility to set and monitor the performance of the chief executive.

Only Council (the local authority) may appoint the chief executive under Part 4 (clause 42) of the Local Government Act (LGA). Council cannot delegate this responsibility to a sub-ordinate decision-making body (LGA Sch7, cl 32, sec 1e).

Membership

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

Mayor Carter
 Ann Court – Chairperson
 Kelly Stratford – Deputy Chairperson
 Rachel Smith
 John Vujcich
 Felicity Foy

Quorum - Committee

The quorum at a meeting of the Executive Review Committee is 3 members.

Frequency of Meetings

The Executive Review Committee shall meet at least twice per year, but may convene more frequently as required.

Committees Responsibilities

The Committees responsibilities are described below:

Performance of the Chief Executive

- Review the chief executives' performance as required in the employment agreement between the Council and chief executive.

- Conduct a performance review at the end of the first term of appointment as required under Schedule 7, clause 35 of the LGA.
- Annually consider the chief executives' remuneration.
- Supervise any recruitment and selection process for a chief executive as required under Part 4, clause 42 of the LGA for Council consideration and adoption.
- Consider any issues regarding the employment of the chief executive.
- The Committee may procure independent specialist advice to the value of \$25,000 per annum in accordance with Councils procurement policy and processes.

6.7 APPOINTMENT FOR PAPAĀINGA DEVELOPMENT - KAITĀIA EXPERT CONSENTING PANEL

File Number: A3184429

Author: Aisha Huriwai, Team Leader Democracy Services

Authoriser: Jacine Warmington, General Manager - Corporate Services (Acting)

TAKE PŪRONGO / PURPOSE OF THE REPORT

To formalise an appointment on behalf of the Far North District Council for the Papakāinga Development – Kaitāia Expert Consenting Panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Far North District Council received an invitation to nominate a member/s to the Kaitāia Expert Consenting Panel from the Environmental Protection Agency.
- It is preferable that any nominees are a section 39A Resource Management Act Making Good Decisions Commissioner.
- Far North District Council has 3 Councillors who have attended the *Making Good Decisions* course.
- 2 of the 3 Councillors are interested in being nominated to the convening Judge. He decides who will be appointed.
- If the Council chooses not to nominate a person, the decision falls to the Judge who must appoint a person with the appropriate skills and experience.

TŪTOHUNGA / RECOMMENDATION

That Far North District Council nominate Councillors Clendon and Stratford to be considered as a panel member on the Papakāinga Development – Kaitāia Expert Consenting Panel.

1) TĀHUHU KŌRERO / BACKGROUND

Central Government introduced new legislation to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19, and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources. A panel is being convened to consider a resource consent for 24 new dwellings to be added to an existing Papakāinga development in Kaitāia.

The Far North District Council has been invited to provide a short bio for any persons wishing to be nominated, a Judge will then consider the nominees and select the most appropriately skilled and experienced person for the role.

The invitation asked that the bio for each nominee include commentary on whether the nominee was a Resource Management Act Making Good Decisions Commissioner and to note their experience on hearings panels.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The invitation to make nominations to the Kaitāia Expert Consenting Panel was received by Far North District Council staff and forwarded on to Councillors. Far North District Council has three Councillors who have attended the *Making Good Decisions* course and have previously participated in Hearing panels.

Deputy Mayor Court did not wish to be nominated given her existing high workloads.

After receiving further advice from the convening Judge regarding the estimated time commitments for the role, Councillors Clendon and Stratford have indicated their interested and have asked to be considered.

Take Tūtohunga / Reason for the recommendation

The Judge will ultimately decide who sits on the Panel, but this recommendation narrows down the selection process for the Judge to determine who can best contribute given the skills and experience wanted.

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

There are no financial implications or need for budgetary provisions.

ĀPITIHINGA / ATTACHMENTS

1. FNDC_letter_seeking_panel_nomination - A3194017 [↓](#) 

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	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 process is governed by the COVID-19 Recovery (Fast-track Consenting) Act 2020 and the Resource Management Act 1991.
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.	This process is not of district relevance but requires skills and knowledge beyond those held by Community Board members.
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. State any Treaty of Waitangi Implications.	There are no implications for Māori in nominating a person for the panel. The panel will however need to consider implications for Māori as part of their process.
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).	Those nominated have agreed on this approach.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or need for budgetary provision.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

► Panel Convener
FAST-TRACK CONSENTING

New Zealand Government

File ref: FTC000008

20 April 2021

Rochelle Deane
Manager – Environmental Services
Far North District Council
Private Bag 752
Kaikohe 0405
By email: rochelle.deane@fndc.govt.nz

Tēnā koe

Request for nomination from Far North District Council in relation to the Papakāinga Development – Kaitia Expert Consenting Panel

As the Panel Convener under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Fast-track Consenting Act), I am seeking nominations for the Papakāinga Development – Kaitia Expert Consenting Panel (the Panel). Clause 3(2) of Schedule 5 of the Act states that an Expert Consenting Panel must include one person nominated by the relevant local authorities.

I am seeking a nomination from Far North District Council relating to the Papakāinga Development – Kaitia resource consent application. I have also written to the Group Manager of Regulatory Services at the Northland Regional Council seeking a nomination.

This project is for the addition of 24 new dwellings to an existing Papakāinga. The application documents can be found on the EPA website at:

<https://www.epa.govt.nz/fast-track-consenting/listed-projects/papakainga-development/application/>

Clause 3(3) of Schedule 5 of the Fast-track Consenting Act states that if the relevant local authorities nominate more than one person for appointment as a member of the Panel, I may decide which one of those nominees is to be appointed as a member.

If the Councils do not make a nomination for a panel member, I must appoint a person with the appropriate skills and experience to be a member of the Panel (clause 3(4) of Schedule 5 of the Fast-track Consenting Act).

Please provide your nomination for the Panel by Friday 30 April 2021.

Please also provide a short bio (half page) of the nominee noting if the nominee is a section 39A Resource Management Act Making Good Decisions commissioner, and if the nominee has experience working on hearings panels.

Any potential conflicts of interest and time commitments relating to the project the nominee may have should also be identified. It is anticipated that the time commitment for this project will be

approximately 55 working days, unless the panel seeks an extension to their timeframes, in which there could be an additional 25 working days commitment.

If you have any questions or wish to know more about this project, please contact the Project Leader, Alex Erceg, by email at papakaingakaitia.fasttrack@epa.govt.nz, or by phone on 027 293 6728.

Nāku noa, nā



Judge Laurie Newhook
Panel Convener

Cc: Colin Dall, Group Manager Regulatory Services, Northland Regional Council

6.8 TE HIKU COMMUNITY BOARD CHAIRPERSON - APPOINTMENT TO COMMITTEES**File Number: A3187304****Author: Aisha Huriwai, Team Leader Democracy Services****Authoriser: Jacine Warmington, General Manager - Corporate Services (Acting)****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide Council with an opportunity to re-consider positions for Community Board Chairpersons at Council Committee meetings.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council established 5 Committees at its 19 December 2019 Council meeting.
- At the meeting a suggestion was made that Community Board Chairpersons should be appointed to Committees with voting rights.
- Council resolved to signal a desire to have Community Board Chairs appointed to Committees with voting rights and referred the discussion to a workshop.
- Council held a workshop Wednesday 29 January 2020. The outcome of the workshop was to increase Community Board participation in committee meetings by appointing Community Board Chairs to Committees with voting rights.

TŪTOHUNGA / RECOMMENDATION**That Council:**

- appoint Adele Gardner as a member of the Assurance, Risk and Finance Committee; and,**
- remove Adele Gardner from the Regulatory and Compliance Committee.**

1) TĀHUHU KŌRERO / BACKGROUND

Councillors agreed that each of the three Community Board Chairs could choose which 2 Committees they wished to be appointed to (with voting rights).

Committee Chairpersons run meetings in an inclusive manner and, when present, allow Community Board Chairpersons to speak and contribute to Committee meeting discussions regardless of formal membership.

Te Hiku Community Board Chairperson Adele Gardner was appointed to the Regulatory Compliance Committee and the Infrastructure Committee. She has requested a switch from the Regulatory Compliance Committee to the Assurance, Risk and Finance Committee.

The Assurance, Risk and Finance Committee in supporting her request, passed the following resolution at the 24 March 2021 meeting:

2.1 MEMBERSHIP OF COMMITTEE**RESOLUTION 2021/2****Moved: Cr John Vujcich****Seconded: Kaikohe-Hokianga Community Board Chairperson Mike Edmonds****That the Assurance, Risk and Finance Committee recommend to Council that Adele Gardner be appointed as a member of the Assurance, Risk and Finance Committee.****CARRIED**

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The changes in Committee membership recommended in this report are considered immaterial to quorum. If approved, the Committee membership will be as follows:

Strategy and Policy Committee (Quorum: 5 out of 9 members)

Cr Rachel Smith (Chairperson)	Cr David Clendon (Deputy Chairperson)
Mayor John Carter	Deputy Mayor Ann Court
Cr Dave Collard	Cr Felicity Foy
Cr Moko Tepania	Cr John Vujcich
Bay of Islands-Whangaroa CB Chair	

Regulatory Compliance Committee (Quorum 4 of 8 members)

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	Bay of Islands-Whangaroa CB Chair

Infrastructure Committee (Quorum 5 of 10 members)

Felicity Foy (Chairperson)	Deputy Mayor Court (Deputy Chair)
Mayor John Carter	Cr Dave Collard
Cr Mate Radich	Cr Rachel Smith
Cr Kelly Stratford	Cr John Vujcich
Kaikohe-Hokianga CB Chair	Te Hiku CB Chair

Assurance, Risk and Finance Committee (Quorum 4 of 10 members)

Cr John Vujcich (Chairperson)	Bruce Robertson (Deputy Chairperson)
Mayor John Carter	Cr Mate Radich
Cr Rachel Smith	Cr Kelly Stratford
Cr Moko Tepania	Kaikohe-Hokianga CB Chair
Te Hiku CB Chair	

As part of a mid-term review currently being planned there will be an opportunity for a more comprehensive review of Committee membership, terms of reference and delegations.

Take Tūtohunga / Reason for the recommendation

Te Hiku Community Board Chairperson has requested a change in membership from the Regulatory Compliance Committee to the Assurance Risk and Finance Committee.

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

There are no financial implications and need for budgetary provision in adjusting the Committee membership as requested.

ĀPITIHINGA / ATTACHMENTS

Nil

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	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 matter is 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.	The Local Government Act prescribes how and who can be appointed to committees, of which this report complies with.
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.	This report includes the request of a Community Board Chairperson.
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 for Māori.
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).	There are no identified persons affected by this decision.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or need for budgetary provision.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

6.9 REVIEW ON EROSION ISSUES FOR FREESE PARK**File Number: A3103032****Author: David Clamp, Manager - Major and Recovery Projects****Authoriser: Andy Finch, General Manager - Infrastructure and Asset Management****PURPOSE OF THE REPORT / TE TAKE PŪRONGO**

To provide an update on the erosion issue at Freese Park, Omapere. To also seek approval to progress into the public consultation project phase.

EXECUTIVE SUMMARY / TE WHAKARĀPOPOTO MATUA

- The foreshore at Freese Park has experienced retreat due to coastal erosion. This has placed Council assets at risk.
- A coastal erosion and processes assessment has been completed that estimates the erosion rate at 0.7m/yr. Erosion is more accelerated nearer the southern seawall due to end effects.
- The southern seawall is consented where-as the northern seawall lacks a regional consent. Ironically the northern seawall is benefiting the beach by capturing sediment on its natural progression to the north.
- An initial report regarding issues at Freese Park, Ōpononi was considered by Council – 24 September 2020. Council approved budget to engage a consultant to lead investigations, consultation, and design in an effort to identify an optimal solution.
- High level options have been assessed against key criteria. These options included:
 1. Hold the line
 2. Advance the line
 3. Managed re-alignment
 4. Do nothing
- The preferred approach is 1. Hold the Line, although 2. Advance the line may also be desirable depending on consenting and direction through public consultation.
- Two options have been presented for the structure; the first option includes two sub-options including a riprap seawall at varying heights. The second option is a hybrid riprap seawall and vertical retaining wall separated by an elevated shoreline path.
- Rough order construction costs range from \$320,000 to \$630,000 depending on the option selected.
- An indicative programme is presented that outlines consultation, consenting, detailed design and construction timeframes. Based on consultation getting underway almost immediately after this Council meeting, we are anticipating a date for construction to get underway from late May 2022.
- A draft consultation strategy summary has been presented for approval.

RECOMMENDATION / NGĀ TŪTOHUNGA**That Council approves:**

- a) the Freese Park Erosion Management Consultation Strategy summarised in this report.
- b) the proposal to present concept designs 1A, 1B and 2 during public consultation, as presented in Attachment A.

and notes:

- c) that an extensive investigation has been conducted into the coastal erosion processes at Freese Park
- d) that erosion of the foreshore is occurring at a rate of approximately 0.7m/yr.

- e) a high-level options assessment has led to the selection of 'hold the line' as a preferred solution to the erosion issue. This will involve constructing a rock riprap structure of some description at the existing alignment of the erosion scarp. Advancing the seawall seawards towards the Mean High-Water Springs (MHWS) mark is also possible but is dependent on cost, consenting and public preference. Two options (one option includes two sub-options) have been presented (Attachment A).

1) BACKGROUND / TE TĀHUHU KŌRERO

Foreshore erosion is a growing issue of concern for most coastal communities around New Zealand. Future sea level rise and greater intensity storms associated with climate change are likely to exacerbate this problem. A range of interventions have been applied in various locations in order to manage the erosion and to protect land and infrastructure.

Coastal erosion has resulted in a significant loss of land at Freese Park, Omapere and has both affected Council assets and resulted in a public safety issue due to a fall hazard.

A report submitted to Council (dated 24 September 2020) recommended budget be approved for engagement of a consultant to lead investigations, consultation, and design in an effort to identify an optimal solution for the erosion issues at Freese Park. This recommendation was approved, and Stellar Projects was engaged late 2020.

2) DISCUSSION AND OPTIONS / TE MATAPAKI ME NGĀ KŌWHIRINGA

A Coastal Processes and Erosion Assessment has estimated that the rate of erosion at Freese Park over the next 10 years will be in the order of 0.7m/year if action isn't taken to protect the shoreline. This report identifies a natural trend of erosion (0.3-0.5m/yr.) occurring in the area, which is amplified at Freese Park due to the following reasons:

- a) the wharf and boat ramp structures south of the beach interrupt sand migrating northwards that would otherwise be deposited on the Freese Park beach,
- b) 'end effects' (additional turbulence) due to the existing rock rip rap seawall south of the park.

The seawall structure north of the park is assisting the beach by capturing and holding sand on the beach.

An investigation into the compliance of the coastal structures revealed that the southern seawall is consented under the regional plan. The northern seawall on the other hand does not appear to have a consent.

High-Level Options Assessment

Several high-level options were tabled in the 24 September 2020 report including:

- c) Holding the Line – this option involves the construction of a coastal protection structure at the current shoreline alignment.
- d) Advancing the Line – this option would involve reclaiming land by extending the location of a seawall structure out towards Mean High Water Springs
- e) Managed Re-alignment – this option would involve localised interventions, but otherwise allowing the foreshore to erode
- f) Do Nothing

These high-level options have been qualitatively assessed against identified criteria in an effort to establish a general approach to erosion management and to provide a foundation for the development of design options for public consultation (see table below). Dark Green = Exceeds, Light Green = Achieves, Orange = Some difficulty Achieving, Red = Does not achieve.

Options	Protects Community Assets	Existing Park and Beach amenity retained	Public Safety	Constructible	Consent Risks	Construction Cost
1. Hold the <u>Line</u>						\$\$
2. Advance the <u>Line</u>						\$\$\$*
3. Managed Re-alignment						\$*
4. Do Nothing						\$*

*Cost estimate ratings are based on construction costs and do not consider cost implications associated with land or asset loss or any other financial gains/losses related to the project.

Holding the Line (Option 1) will protect the existing community assets, existing park and beach amenity and mitigate the public safety risk. This option is seen as constructible⁶ with few risks regarding consenting. The cost implications for holding the line are considered to be in the medium range. A number of foreshore protection structures are available for the 'hold the line' option depending on appetite for amenity.

Advancing the Line (Option 2) involves extending the foreshore seawards. This would mean constructing a seawall protection structure along an alignment towards MHWS. This option would require considerable fill, making construction slightly more problematic and more costly relative to the other options. While extending the shoreline opens up the opportunity to construct additional public assets on the new park area, it will also likely result in a loss of beach amenity. Consenting this option may also be somewhat problematic depending on the extent to which the foreshore is extended.

The outcome of the Managed Realignment option (Option 3) will likely lead to further erosion of the shoreline until the coastal system reaches an equilibrium. Public safety would be managed however public assets and amenity within the park would remain at risk of damage.

Doing nothing (Option 4) would likely result in lost park assets and public amenity as the foreshore continues to erode. Public safety would continue to be an issue and while the cost of actioning this option is low, the implications regarding lost assets is significant.

This High-Level Options Assessment resulted in a preference for 'Holding the Line', although some 'Advancing of the Line' may be acceptable depending on associated cost, consenting requirements and feedback from the public regarding the desire for retaining beach versus park amenity.

Design Options

Coastal protection structures come in many shapes and sizes. Selecting appropriate structural form and materials is critical to ensure the structure withstands the energy of the local coastal system. The selection of the structure should also include consideration of amenity goals (e.g. accessibility), be cognisant of visual appearance and cost effectiveness.

⁶ A formal constructability assessment has not been undertaken as part of this options assessment. Instead, this assessment was based on accessibility to both the site and materials.

The preference at Freese Park is for a rock rip rap seawall. The reasoning is that if the rock is sized appropriately these structures can be durable assets that are also flexible regarding incorporation of beach access points. These structures are also relatively cost effective. Lastly a rock rip rap wall would be in keeping with the existing structures both north and south of the site.

Three options have been progressed to concept design in preparation for consultation. Option 1 has two sub-options (Option 1A and 1B) and involves construction of a seawall of 2 varying heights plus associated planted batter slopes. Option 2 is a hybrid option that involves a blend of rock rip rap and vertical retaining wall structures. This option also includes a path and seating area. See Attachment A for plan view and concept cross sections of the options described above.

It is important to note that the success of this project is contingent on a holistic approach to managing erosion across this section of foreshore. In particular, the inclusion of the 9 Freese Park Road property in this solution.

See the Financial Implications section of the report for rough order construction cost estimates.

Consultation

A proposed draft Consultation Strategy has been produced and is outlined below. The project team has held off on public consultation until the further detail is worked through and the options approach is adopted by elected members.

A summary of the suggested strategy is as follows:

The key overarching objectives for stakeholder engagement for this project are:

- To obtain community feedback on the options for responding to coastal erosion issues at Freese Park.
- To work directly with iwi and the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered; and
- To identify the most favourable option based on iwi and public feedback.

It is proposed that stakeholders and partners could influence the following design elements:

- Positioning of the wall relative to the existing shoreline – we can query stakeholders on their preference regarding park amenity versus beach amenity.
- Preference on wall options as presented in Attachment A.
- Access points – we can ask stakeholders which areas of the park they use most and how often, followed up by a question on their location preference regarding beach access
- The species of plants to be planted at the top of the wall. Plant species options can be presented by the project team for discussion and stakeholder input.

Key Messages:

- The coastline at Freese Park has been eroding for several years and recently this has accelerated
- The FNDC has funding to undertake design investigations and community consultation to identify the optimal solution to address coastal erosion issues and thereby protect Council owned assets at Freese Park, Omapere
- FNDC are looking to preserve the public facilities such as the playground, park, and public toilets
- There are three options on the table for consideration:
 - See Options 1A, 1B and Option 2 in Attachment A

We will gain internal stakeholder and iwi partner feedback through the following:

- Direct contact and engagement with iwi partners
- Direct contact and/or briefings from the project team

We will gain public input through a combined approach of direct engagement, hui, and open house forums. A proposed combined approach might include:

- Letter drop to distribution area
- Signage onsite with QR code during the consultation period
- Drop-in visits to directly affected stakeholders
- Far North District Council Social Media
- Direct contact and/or briefings to key external stakeholders (e.g. Hokianga Foreshore Committee, Department of Conservation, Heritage New Zealand)
- Open day/community forums for drop in visits from the Community

Preliminary discussions were held with the tenants at 9 Freese Park Rd regarding the options study during a site visit late in 2020. The project team is holding off on commencing the public consultation proper until Council has approved the stated consultation strategy.

Planning

A Preliminary Planning Assessment has been completed to better understand the planning context of any physical works that might be undertaken at this site, with particular focus on the consenting implications of the proposed design options.

Freese Park is located within the Conservation Zone under the Far North District Plan (FNDP) and is also within Coastal Hazard Area 1 and 2 under this Plan. Under the Northland Regional Policy Statement (RPS) the area is located within the High natural Character overlay and is subject to a number of ecological overlays under the Proposed Regional Plan (PRP). Both 'Hold the Line' options involve the construction of a hard protection structure along the eroding shorelines. Both options will require resource consent for the structure and associated earthworks. A non-complying activity consent will likely be required under the FNDP and as discretionary activity under the PRP. To support these applications the following assessments would likely be required – coastal, landscape and visual, and ecological.

Being within the coastal environment and adjacent to the Te Rarawa Treaty Settlement Statutory Acknowledgement Area, a Cultural Impact Assessment (CIA) may be required. There are recorded archaeological sites identified in the vicinity of the subject site. The modification or destruction of an archaeological site requires an archaeological authority from Heritage New Zealand Pouhere Taonga (HNZPT). Further assessment of these sites in relation to the proposed works is required.

Indicative Programme

The timeframes for physical works will be largely dictated by the duration of consultation and consenting. The programme below presents indicative timeframes:

Completion of Consultation	Late Mar - Mid May 2021
Resource Consent (pre-lodgement to granting of consent)	Mid-May - Late Jan 2022
Preparation of Detailed Design and Tender Docs	Late Jan - Mid Mar 2022
Tender Period through to Contract Award	Late Mar – Mid May 2022
Commence Construction	From Late May 2022

The construction timeframe is dependent on consent requirements and reliant on timely consultation and design process. This programme should be updated following consultation.

Reason for the recommendation / Te Take Tūtohunga

The options proposed to be progressed to consultation were chosen after extensive research into the erosion issue, the outcome of a preliminary planning assessment and consideration of various relevant criteria.

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

A rough order construction cost estimate has been undertaken for Options 1A, 1B and 2. These construction cost estimates are based on a 100m structure, which spans the length of the foreshore between the existing seawalls located north and south of the site. No allowance has been made for cost share with the property owner at 9 Freese Park Rd. These costs are also exclusive of any professional services involved in the project management, design and consenting of the physical works.

Option	Estimated Construction Cost	Estimated Maintenance Cost (over 20yrs)
1A	\$420,000 - \$460,000	\$33,600 - \$36,800
1B	\$320,000 - \$380,000	\$25,600 - \$30,400
2	\$520,000 – \$630,000	\$41,600 - \$50,400

The structures presented in the options (in Attachment A) have been designed (in concept) to a minimum of 50yr lifespan with consideration of extreme conditions to 2215. The degree and requirement for maintenance is likely to increase as the effects of sea level rise and climate change are realised. However, projections of future sea level rise and climate change increase in uncertainty further in the future, and for this reason estimates of maintenance cost have been restricted to a 20-year period. These 20yr projections are pro-rata based on maintenance over a 50yr period equal to 20% of construction cost. The different structures that have been proposed are likely to behave in different ways to changes in sea level and climate with those structures with lower crest heights being more susceptible to these changes. No matter which option is selected, it is suggested that monitoring of the structures performance and beach response is undertaken, and adaptive maintenance applied as required, e.g. raising wall crest heights. The proposed capital works programme for the 2021-31 Long Term Plan includes a provision of \$1,545,000 in 2022/23.

ATTACHMENTS / NGĀ ĀPITI HANGA

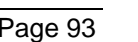
1. **Attachment 1 - Freese Park Coastal Erosion R0 - A3121857** [!\[\]\(e40bb48ad1470e3a14017c64c5673877_img.jpg\)](#) 
2. **Attachment 2 - Legal Opinion - Coastal Erosion and Liability Issues - A3172852** [!\[\]\(2d84cfc19096ca16fe323c530253896b_img.jpg\)](#) 

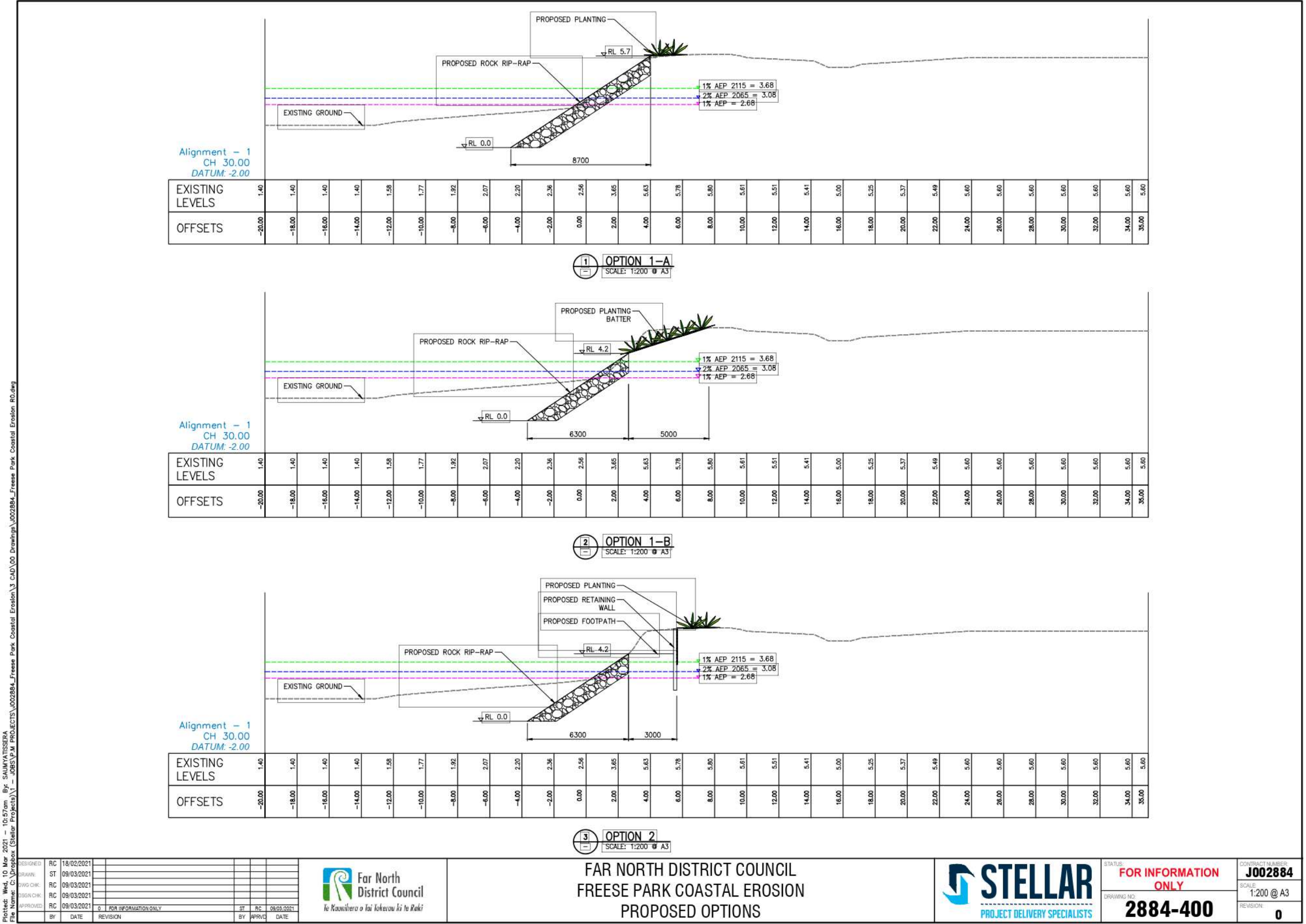
Compliance schedule / Te Hōtaka Take Ōkawa:

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 / He Take Ōkawa	Staff assessment / Te Aromatawai Kaimahi
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	High significance due to level of public interest and effect on the community and its demographics.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Coastal erosion has resulted in a significant loss of land at Freese Park, Omapere and has both affected Council assets and resulted in a public safety issue due to a fall hazard. We will gain public input through a combined approach of direct engagement, hui, and open house forums.
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.
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.	It is intended that input from Iwi be sought during the consultation phase. We anticipate discussion around the significance of the area to Maori, and also input into the design options.
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).	As detailed in the 'Consultation' section of the report.
State the financial implications and where budgetary provisions have been made to support this decision.	As detailed in the report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report





Attachment 2 - Legal Opinion - Coastal Erosion and Liability Issues has been removed from the public agenda on the grounds that the withholding of the information is necessary to maintain legal professional privilege.

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6.10 LEASE 13 HOMESTEAD ROAD TO MID NORTH TILING LTD**File Number: A3155713****Author: Rob Koops, Property Services****Authoriser: Jacine Warmington, General Manager - Corporate Services (Acting)****TAKE PŪRONGO / PURPOSE OF THE REPORT**

The purpose of this report is to obtain Council approval for a three-year lease of 13 Homestead Road, Kerikeri to Mid North Tiling Ltd.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- Council completed the purchase of 13 Homestead Road in April 2021.
- To recover the holding cost it is proposed the property is leased on commercial terms as Council does with other Strategic Properties.
- A Council resolution is sought to lease the property for a 3-year term to Mid North Tiling Ltd.

TŪTOHUNGA / RECOMMENDATION**That Council**

- a) **approves a lease for the property at 13 Homestead Road, Kerikeri being Lot 1 DP 86471 to Mid-North Tiling Ltd at or as close to market rent as possible and on standard commercial lease terms**
- b) **approves that the lease shall be for a maximum term of 3 years commencing 1 June 2021 and shall contain a clause that enables Council to terminate the lease giving at least six months' notice should at any time during the term Council requires possession of any part or the whole of the property.**
- c) **approves that the GM Corporate Services is authorised to negotiate the final rent and terms and conditions of the lease.**

1) TĀHUHU KŌRERO / BACKGROUND**On 21 December 2020 Council resolved:****3.1 KERIKERI CBD RING ROAD ACQUISITION OF STRATEGIC PROPERTY***Agenda item 5.1 document number A3042186, pages 11 - 14 refers***RESOLUTION 2020/106***Moved: Mayor John Carter**Seconded: Cr Rachel Smith**That Council:*

- a) *confirm its intent to complete the Kerikeri ring road development as identified in the Integrated Transport Strategy;*
- b) *authorise the CEO to negotiate and purchase the property at 13 Homestead Road, Kerikeri, as a strategic asset.*

Negotiations to purchase 13 Homestead Road were successful and the transaction settled on 1 April 2021.

Although the property was sold with vacant possession, the vendor managed to find a buyer for the tile business he had been operating from the premises. The new owner of the tile business, Mid North Tiling Ltd, has approached Council staff with a request to lease the building.

All Council owned strategic properties along the proposed route are rented (residential) or leased (commercial) at market rates to recover holding cost. It is recommended Council approves a 3-year lease on commercial terms and at market rate for this property as well.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Option 1 (recommended)

That Council approves a lease of 13 Homestead Road, Kerikeri for a term of 3-years commencing 1 June 2021 to Mid-North Tiling Ltd at market rent and on standard commercial terms. The lease will include a clause enabling the agreement to be terminated with 6 months' notice, should Council wish to take possession of any part or all of the building.

Mid North Tiling Ltd have been allowed to stay on in the premises after the settlement date with an undertaking by the CEO that a formal lease would be negotiated.

Option 2:

That Council staff seek expressions of interest for the lease of 13 Homestead Road, Kerikeri for a term of 3-years commencing 1 June 2021 at market rate and on standard commercial terms.

Option 3:

That Council sell the building for relocation and hold the land only.

Take Tūtohunga / Reason for the recommendation

Council will almost immediately receive a holding income from the property. Given the layout of the building and its previous use, approving this lease is the most practical and cost-effective solution. Every other option will cause delays and add further cost.

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

Telfer Young Valuations have provided a rental appraisal of \$27,000.00 +GST per annum.

At the time of writing this report it is known that the chimney at the rear of the building poses a risk of collapse and needs to be removed. Some other remedial work to the building may be required. The cost of these works is yet to be determined.

ĀPITI HANGA / ATTACHMENTS

1. Letter FNDC agreeing Mid North Tiling to occupy 13 Homestead Road - A3194640 [↓](#) 

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	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
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Integrated Transport Strategy and previous decisions around the lease of strategic properties held for the CBD Ring Road.
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.	Other strategic properties acquired for the CBD Ring Road are leased/rented on commercial terms. Community Board views have not been sought.
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.	The decision to lease the property does not have specific implications to Māori and Māori have not been provided with an opportunity to contribute to the decision making.
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).	The lease was not publicly advertised. No consideration to the views or preferences of youth, the aged or those with disabilities has been given.
State the financial implications and where budgetary provisions have been made to support this decision.	Market rent has been assessed at \$27,000+GST per annum. The cost to remediate some building issues is yet to be determined.
Chief Financial Officer review.	



HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

Email: rob.koops@fndc.govt.nz
Website: www.fndc.govt.nz

Private Bag 752, Memorial Avenue
Kaitake D440, New Zealand
Telephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 5137

31 March 2021

Jason Moffatt
Trading as: Mid North Tiling
KERIKERI

Dear Jason

RE: Lease 13 Homestead Road, Kerikeri

This letter is confirmation of your conversation with Rob Koops, acting on behalf of FNDC, on Wednesday 31 March around 10.00AM.

- FNDC has purchased the premises at 13 Homestead Road from Mr. Derrick McKay with vacant possession. Settlement is 1 April 2021.
- You have purchased the tile business from Mr. Derrick McKay and wish to lease the premises at 13 Homestead Road from FNDC commencing 1 April 2021.
- You will continue to operate a tile retail and wholesale business from the premises.
- FNDC hereby agrees that you may occupy the premises "as is" until from 1 April until 30 April 2021 free of charge.
- All outgoings and repair and maintenance at your cost unless agreed otherwise in writing.
- As soon as practical we will negotiate in good faith a formal lease arrangement with you and determine any long-term maintenance issues with the building that need to be addressed.

If you require any further information please do not hesitate to contact Rob Koops on 09 401 5200 or Rob.Koops@fndc.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Shaun Clarke', is written over the 'Yours sincerely' text.

Shaun Clarke
Chief Executive Officer

7 INFORMATION REPORTS

7.1 COMMUNITY BOARD UPDATES APRIL 2021

File Number: A3190781

Author: Marlema Baker, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To enable oversight of Community Board resolutions at Council and provide Community Board Chairperson's with a formal opportunity to speak with Council about discussions at Community Board.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

A copy of the following Community Board meeting minutes are attached for Council's information.

TŪTOHUNGA / RECOMMENDATION

That Council note the following Community Board minutes:

- a) Bay of Islands-Whangaroa Community Board, 1 April 2021
- b) Te Hiku Community Board, 6 April 2021
- c) Kaikohe-Hokianga Community Board, 7 April 2021

TĀHUHU KŌRERO / BACKGROUND

This report is to provide Council oversight of resolutions made at Community Board meetings and provide Community Board Chairperson's with a formal opportunity to raise any Community Board issues with Council.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

This is intended as an information report.

From time to time Community Board's may make recommendations to Council regarding some matters.

Council will note a recommendation to Council from the Bay of Islands-Whangaroa Community Board minutes. This recommendation is presented to Council in the Transfer of Local Purpose (Esplanade) Reserve to Landowners of Kopukawau Block, earlier in the agenda.

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

There are no financial implications or need for budget provision in considering this report.

ĀPITIHINGA / ATTACHMENTS

1. 2021-04-01 Bay of Islands-Whangaroa Minutes - A3136812 [↓](#) 
2. 2021-04-06 Te Hiku Minutes - A3140240 [↓](#) 
3. 2021-04-07 Kaikohe-Hokianga Minutes - A3140273 [↓](#) 

**MINUTES OF
BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD MEETING
HELD AT THE BAYSPORT COMPLEX, HARMONY LANE, WAIPAPA
ON THURSDAY, 1 APRIL 2021 AT 10.00 AM**

PRESENT: Chairperson Belinda Ward, Deputy Chairperson Frank Owen, Member Lane Ayr, Member Bruce Mills, Member Manuwai Wells, Member Rachel Smith

IN ATTENDANCE: Councillor David Clendon

1 KARAKIA TIMATANGA – OPENING PRAYER

Manuwai Wells opened the meeting with a karakia.

2 APOLOGIES AND CONFLICTS OF INTEREST

APOLOGIES

RESOLUTION 2021/19

Moved: Chairperson Belinda Ward

Seconded: Member Frank Owen

That the apology received from Member Dave Hookway-Kopa and Manuela Gmuer-Hornell be accepted.

Abstained: Rachel Smith

CARRIED

3 PUBLIC FORUM

MOTION – SPEAKING RIGHTS FOR COUNCILLOR DAVID CLENDON

RESOLUTION 2021/20

Moved: Chairperson Belinda Ward

Seconded: Member Frank Owen

That the Bay of Islands-Whangaroa Community Board welcome Councillor Clendon and that he be permitted to speak during member debate.

Abstained: Rachel Smith

CARRIED

Hilary Sumpter spoke in regard to Kerikeri redwood trees reference item 8.2 Kerikeri Redwoods 2020 Arborist Report.

Brenda Frear, Baz Reihard, and John Law spoke on behalf of the Totara North Community in reference to Item 7.2 Totara North Community Plan.

Chris Galbraith spoke in regard to fuel tanks in Russell.

Chris Claydon spoke in regard to a request for permission for utilities to be provided through a piece of Council land off Riverview Road.

4 DEPUTATIONS

Nil.

5 SPEAKERS

Kylie Kara spoke on behalf of Waka Atea for Item 7.7 Funding Applications.

Meeting adjourned from 11:30 am until 12:00 pm.

At 12:02 pm, Member Rachel Smith left the meeting.

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3126248, pages 10 - 15 refers.

RESOLUTION 2021/22

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

That the Bay of Islands-Whangaroa Community Board confirm the minutes of the Bay of Islands-Whangaroa Community Board meeting held 4 March 2021 are a true and correct record with the following amendments:

- **Spelling page 13 (liscense)**

Abstained: Rachel Smith

CARRIED

At 12:09 pm, member Rachel Smith returned to the meeting.

7 REPORTS

7.2 TOTARA NORTH COMMUNITY PLAN

Agenda item 7.2 document number A3088976, pages 25 - 58 refers.

RESOLUTION 2021/23

Moved: Member Bruce Mills

Seconded: Member Frank Owen

That the Bay of Islands-Whangaroa Community Board receives the Totara North Community Plan from the Totara North Working Party.

Abstained: Rachel Smith

CARRIED

7.3 PAIHIA EV CHARGING STATION

Agenda item 7.3 document number A3101327, pages 59 - 66 refers.

RESOLUTION 2021/24

Moved: Chairperson Belinda Ward

Seconded: Member Manuwai Wells

That the Bay of Islands-Whangaroa Community Board recommend that Council:

- a) **make the three identified adjoining parking spaces on Williams Road, Paihia, exclusively available for two electric vehicles (EV) while charging, and;**
- b) **request staff to investigate the possibility of the extra space either side of the EV parking be utilised for future secure cycle/E-bike parking.**

Abstained: Rachel Smith

CARRIED

At 12:27 pm, Member Rachel Smith left the meeting. At 12:33 pm, Member Rachel Smith returned to the meeting.

7.1 CHAIRPERSON AND MEMBERS REPORT

Agenda item 7.1 document number A3127291, pages 16 - 24 refers.

RESOLUTION 2021/25

Moved: Member Bruce Mills

Seconded: Member Frank Owen

That the Bay of Islands-Whangaroa Community Board note the reports from Chairperson Belinda Ward, Member Lane Ayr, and Member Manuela Gmuer-Hornell.

Abstained: Rachel Smith

CARRIED

At 12:48 pm, Member Rachel Smith left the meeting. At 12:55 pm, Member Rachel Smith returned to the meeting.

7.4 REVOKE PREVIOUS DECISION - ROAD NAMING, 11 GREENWAY DRIVE, KERIKERI

Agenda item 7.4 document number A3117505, pages 67 - 89 refers.

RESOLUTION 2021/26

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

That the Bay of Island-Whangaroa Community Board:

- a) **revokes the following resolution of the Bay of Islands-Whangaroa Community Board made on 3 December 2020, item 7.5 Road Naming – 11 Greenway Drive, Kerikeri; “*That the Bay of Islands-Whangaroa Community Board, pursuant to Council’s Road Naming and Property Addressing Policy #2125, name a private road, Kerikeri Heights that is currently addressed at 11 Greenway Drive, Kerikeri as per maps (A3013756 and A3013757)*”.**
- b) **resolves to name 11 Greenway Drive, Kerikeri, Highland Way.**

Abstained: Manuwai Wells and Rachel Smith

CARRIED

7.4A ROAD NAMING POLICY

RESOLUTION 2021/27

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

That the Bay of Islands-Whangaroa Community Board recommend to the Strategy and Policy Committee:

- a) repeats its request for the road naming policy #2125 be reviewed, and;
- b) note frustration in receiving a recommendation that was not compliant with New Zealand addressing standards.

Abstained: Rachel Smith

CARRIED

Meeting adjourned for lunch from 1:38 pm to 2:09 pm.

7.5 STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 28 FEBRUARY 2021

Agenda item 7.5 document number A3117284, pages 90 - 93 refers.

RESOLUTION 2021/28

Moved: Member Manuwai Wells

Seconded: Member Bruce Mills

That the Bay of Islands-Whangaroa Community Board receives the report entitled "Statement of the Bay of Islands-Whangaroa Community Board Community Fund account as at 28 February 2021".

Abstained: Rachel Smith

CARRIED

7.6 FUNDING FOR KERIKERI BASKETBALL COURT FROM PLACEMAKING FUNDS 2018/19

Agenda item 7.6 document number A3116693, pages 94 - 95 refers.

RESOLUTION 2021/29

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

That the Bay of Islands-Whangaroa Community Board rescind the resolution 2019/51 of 20 May 2019 (to allocate \$25,333 from the Placemaking Fund 2018/2019 to Mai Lyfe for the resurfacing of the basketball court at the Kerikeri Domain as identified in the Bay of Islands-Whangaroa Community Board Strategic Plan) and direct the funds be returned to the Bay of Islands-Whangaroa Community Board account for reallocation.

Abstained: Rachel Smith

CARRIED

7.7 FUNDING APPLICATIONS

Agenda item 7.7 document number A3117058, pages 96 - 114 refers.

RESOLUTION 2021/30

Moved: Member Lane Ayr

Seconded: Member Bruce Mills

That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,986 (plus GST if applicable) be paid from the Board's Community Fund account to Bay of Islands

Country Music Festival for costs towards Bay of Islands Country Music Festival to support Community Outcome.

Abstained: Rachel Smith

CARRIED

7.7A FUNDING APPLICATIONS**RESOLUTION 2021/31**

Moved: Member Lane Ayr

Seconded: Member Bruce Mills

That the Bay of Islands-Whangaroa Community Board approves the sum of \$6,744 (plus GST if applicable) be paid from the Board's Community Fund account to Waka Atea Wananga for costs towards Kaupapa Waka Atea to support Community Outcomes.

Abstained: Rachel Smith

CARRIED

7.8 PROJECT FUNDING REPORTS

Agenda item 7.8 document number A3116338, pages 115 - 125 refers.

RESOLUTION 2021/32

Moved: Member Bruce Mills

Seconded: Cr Manuwai Wells

That the Bay of Islands-Whangaroa Community Board note the project reports received from:

- a) Mohinui Marae**
- b) Russell Baptist Church**
- c) Bay of Islands Sailing Week**

Abstained: Rachel Smith

CARRIED

8 INFORMATION REPORTS**8.1 FNDC CONTRACTS**

Agenda item 8.1 document number A3110785, pages 126 - 127 refers.

RESOLUTION 2021/33

Moved: Chairperson Belinda Ward

Seconded: Member Lane Ayr

That the Bay of Islands-Whangaroa Community Board receive the report FNDC Contracts.

Abstained: Rachel Smith

CARRIED

RESOLUTION 2021/34

Moved: Chairperson Belinda Ward
Seconded: Member Bruce Mills

That the Bay of Islands-Whangaroa Community Board recommend that the Community Board Working Party look at opportunities for Community Boards to be involved in renewal / new contracts, including section 17A service reviews, particularly to ensure service levels are appropriate and communities are well served.

Abstained: Rachel Smith

CARRIED

8.2 KERIKERI REDWOODS - 2020 ARBORIST REPORT

Agenda item 8.2 document number A3123723, pages 128 - 139 refers.

RESOLUTION 2021/35

Moved: Member Frank Owen
Seconded: Member Bruce Mills

That the Bay of Islands-Whangaroa Community Board:

- a) receive the Kerikeri Redwoods - 2020 Arborist Reports, and;**
- b) support the request for a more comprehensive assessment of the health of the trees, and;**
- c) request confirmation of the work that has been completed in response to the September 2020 report at the May Bay of Islands-Whangaroa Community Board meeting.**

Abstained: Rachel Smith

CARRIED

8.3 BAY OF ISLANDS-WHANGAROA COMMUNITY HALL ANNUAL INFORMATION UPDATE

Agenda item 8.3 document number A3120677, pages 140 - 218 refers.

RESOLUTION 2021/36

Moved: Member Manuwai Wells
Seconded: Member Lane Ayr

That the Bay of Islands-Whangaroa Community Board:

- a) receive the report Bay of Islands-Whangaroa Community Hall Annual Information Update, and that;**
- b) Whangaroa Memorial Hall referred to in the report should be Whangaroa (Village) Hall, and;**
- c) request Far North District Council staff write a thank you to the three halls and hall committee volunteers who have submitted their annual reports as required, and;**
- d) request Far North District Council staff take a more active approach in supporting halls to adhere to the Hall and Facilities Strategy and Community Halls Policy.**

Abstained: Rachel Smith

CARRIED

At 3:34 pm, Manuwai Wells left the meeting. At 3:36 pm, Manuwai Wells returned to the meeting.

9 CLOSING KARAKIA

Rachel Smith closed with a karakia.

10 MEETING CLOSE

The meeting closed at 4:00 pm.

The minutes of this meeting will be confirmed at the Bay of Islands-Whangaroa Community Board Meeting held on 6 May 2021.

.....
CHAIRPERSON

**MINUTES OF
TE HIKU COMMUNITY BOARD MEETING
HELD AT THE CONFERENCE ROOM, TE AHU, CNR MATTHEWS AVE AND SOUTH ROAD,
KAITAIA
ON TUESDAY, 6 APRIL 2021 AT 10:00 AM**

PRESENT: Chairperson Adele Gardner, Member Jaqi Brown, Member Darren Axe, Member Sheryl Bainbridge, Member John Stewart, Member William (Bill) Subritzky

IN ATTENDANCE: John Vujcich (Councillor) from 11.45 am

1 KARAKIA TIMATANGA – OPENING PRAYER

Member Brown opened the meeting with a karakia/prayer.

2 APOLOGIES AND CONFLICTS OF INTEREST

APOLOGY

RESOLUTION 2021/11

Moved: Chairperson Adele Gardner

Seconded: Member Darren Axe

That the apology received from Cr Felicity Foy be accepted and leave of absence granted.

CARRIED

3 PUBLIC FORUM

Andrea Panther, Tia Hohaia and Angela Phillips spoke to Item 7.2 – Kaitaia Business Improvement District Targeted Rate 2021-2022 and a possible funding application on infrastructure support of the CCTV for the Kaitaia Business Association.

Andrew Cook, representing Toi Oho, introduced himself and Toi Oho to the Board and the services that they are wanting to provide in Kaitaia.

Ian Palmer spoke to the Board in regards to Rangitoto Reserve Management Plan.

4 DEPUTATIONS

Nil.

5 SPEAKERS

Debbie Sutcliffe and Chloe Phillips-Harris, representing Born to Run Adventure Racing, spoke to their Funding Application, Item 7.4 – Funding Applications.

Attachments tabled at meeting

- 1 Tabled Document - Born to Run Adventure Racing

The meeting was adjourned from 11.02 am to 11.11 am.

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3125259, pages 12 - 17 refers.

RESOLUTION 2021/12

Moved: Member William (Bill) Subritzky

Seconded: Member Darren Axe

That the Te Hiku Community Board agrees that the minutes of the meeting held 2 March 2021 be confirmed as a true and correct record.

CARRIED

7 REPORTS

7.1 CHAIRPERSON AND MEMBERS REPORTS

Agenda item 7.1 document number A3125161, pages 18 - 25 refers.

RESOLUTION 2021/13

Moved: Chairperson Adele Gardner

Seconded: Member William (Bill) Subritzky

That the Te Hiku Community Board note the reports from Chairperson Gardner and Members Axe, Bainbridge and Subritzky.

CARRIED

The meeting was adjourned from 11.36 am to 12.12 pm to allow Jude Thompson (Portfolio Manager, Action Plan) to speak to the Board in regards to Northland Inc.

7.2 KAITAIA BUSINESS IMPROVEMENT DISTRICT TARGETED RATE 2021-2022

Agenda item 7.2 document number A3136568, pages 26 - 52 refers.

RESOLUTION 2021/14

Moved: Chairperson Adele Gardner

Seconded: Member Darren Axe

That the Te Hiku Community Board receive the attached reports from the Kaitaia Business Association and recommend that Council levy the Kaitaia Business Improvement District Targeted Rate 2021-2022 for \$50,000.

CARRIED

7.3 TE HIKU STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 28 FEBRUARY 2021

Agenda item 7.3 document number A3137857, pages 53 - 56 refers.

RESOLUTION 2021/15

Moved: Member Sheryl Bainbridge

Seconded: Member Jaqi Brown

That the Te Hiku Community Board receive the report Te Hiku Statement of Community Board Fund Account as at 28 February 2021.

CARRIED

7.4 FUNDING APPLICATIONS

Agenda item 7.4 document number A3137920, pages 57 - 66 refers.

RECOMMENDATION

Moved: Member William (Bill) Subritzky

Seconded: Chairperson Adele Gardner

That the Te Hiku Community Board approves the sum of \$7,576 (plus GST if applicable) be paid from the Board's Community Fund account to Born to Run Adventure Racing for costs towards Great Northern Gallop to support the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

AMENDMENT

Moved: Member William (Bill) Subritzky

Seconded: Chairperson Adele Gardner

That the Te Hiku Community Board approves the sum of \$3,000 (plus GST if applicable) be paid from the Board's Community Fund account to Born to Run Adventure Racing for costs towards Great Northern Gallop (excluding catering) to support the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

CARRIED

RESOLUTION 2021/16

Moved: Member William (Bill) Subritzky

Seconded: Chairperson Adele Gardner

That the Te Hiku Community Board approves the sum of \$3,000 (plus GST if applicable) be paid from the Board's Community Fund account to Born to Run Adventure Racing for costs towards Great Northern Gallop (excluding catering) to support the following Community Outcomes:

- i) Communities that are healthy, safe, connected and sustainable**
- ii) Proud, vibrant communities**

CARRIED

8 INFORMATION REPORTS

8.1 TE HIKU COMMUNITY HALL ANNUAL INFORMATION UPDATE

Agenda item 8.1 document number A3137936, pages 67 - 77 refers.

COMMITTEE RESOLUTION 2021/17

Moved: Chairperson Adele Gardner

Seconded: Member Jaqi Brown

That the Te Hiku Community Board receive the report Te Hiku Community Hall Annual Information Update.

CARRIED

Member Jaqi Brown closed with a karakia/prayer.

9 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Member Jaqi Brown closed the meeting with a karakia/prayer.

10 MEETING CLOSE

The meeting closed at 12.29 pm.

The minutes of this meeting will be confirmed at the Te Hiku Community Board Meeting held on 1 June 2021.

.....
CHAIRPERSON

**MINUTES OF
KAIKOHE-HOKIANGA COMMUNITY BOARD MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON WEDNESDAY, 7 APRIL 2021 AT 10.32 AM**

PRESENT: Chairperson Mike Edmonds, Member Emma Davis, Member Louis Toorenburg, Member Kelly van Gaalen, Member Alan Hessel, Member Laurie Byers, Member John Vujcich, Member Moko Tepania

STAFF PRESENT: Kathryn Trewin (Funding Advisor), Marlema Baker (Meetings Administrator). Casey Gannon (via Teams)

1 APOLOGIES AND CONFLICTS OF INTEREST

Chair Edmonds declared a conflict regarding Items 5.3 (a) and (b) Funding Applications.

Members John Vujcich and Kelly van Gaalen declared a conflict for Item 5.3 (b) Funding Applications.

2 PUBLIC FORUM

Shaun Reilly

- Te Mania Drive in Ohaeawai has been resolved.
- Ohaeawai playcentre is interested in reopening the Okaihau playcentre which has been closed. Council owns that building.
- Deliberations on funding application should include the public.

3 SPEAKERS

- Cheryl Smith representing the Kaikohe Rugby Football and Sports Club Inc – item 6.3b refers.

Chair Edmonds declared a conflict and vacated the Chair, Deputy Chair Emma Davis assumed the Chair.

Chair Edmonds resumed the Chair role.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3052577, pages 12 - 17 refers.

RESOLUTION 2021/24

Moved: Chairperson Mike Edmonds

Seconded: Member Emma Davis

That the Kaikohe-Hokianga Community Board confirms the minutes of their meeting held 3 March 2021 as a true and correct record.

CARRIED

5 REPORTS

5.1 CHAIRPERSON AND MEMBERS REPORT

Agenda item 7.1 document number A3117411, pages 18 - 25 refers.

RESOLUTION 2021/25

Moved: Chairperson Mike Edmonds

Seconded: Member Alan Hessell

That the Kaikohe-Hokianga Community Board:

- a) requests that the Far North District Council restores protection to the Pōhutukawa trees, in Ōpononi by either replacing the sandbag measures, or some better and longer lasting method, and that any such work be carried out with the utmost haste.
- b) requests that the Far North District Council direct similar attention and resources as those directed to the issue of the Whangaroa boat ramp parking, to the issue of congestion around the boat ramps of Ōpononi and Ōmāpere.

CARRIED

Member van Gaalen left the meeting 10:49 am and returned 10:52 am.

5.2 KAIKOHE-HOKIANGA STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 28 FEBRUARY 2021

Agenda item 7.2 document number A3124829, pages 26 - 29 refers.

RESOLUTION 2021/26

Moved: Member John Vujcich

Seconded: Member Louis Toorenburg

That the Kaikohe-Hokianga Community Board receives the report Kaikohe-Hokianga Statement of Community Board Fund Account as at 28 February 2021.

CARRIED

5.3 FUNDING APPLICATIONS

Agenda item 7.3 document number A3125203, pages 30 - 59 refers

- Chair Edmonds declares a conflict for Items 6.3 (A) and (B) and vacated the chair.
- Deputy Chair Emma Davis assumed the chair for these items.
- Members Vujcich (B) and Van Gaalen (B) declared a conflict and did not participate in discussions. Left the room.

RESOLUTION 2021/27

Moved: Member John Vujcich

Seconded: Member Moko Tepania

That the Kaikohe-Hokianga Community Board:

- a) in considering the provisions of the Community Grant Policy, authorise the sum of **\$3,075** (plus GST if applicable) to be paid from the Board's Community Fund account to Kaikohe Rugby Football and Sports Club Inc for costs towards installation of additional lights at Lindvart Park to support the following Community Outcomes:
 - (i) Proud vibrant communities.
 - (ii) Communities that are healthy, safe, connected and sustainable.

CARRIED

RESOLUTION 2021/28

Moved: Member Moko Tepania

Seconded: Member Alan Hessell

- b) in considering the provisions of the Community Grant Policy authorise the sum of **\$2,605** (plus GST if applicable) to be paid from the Board's Community Fund account to Kaikohe & District Historical & Mechanical Trust (Pioneer Village) Inc for costs towards construction of a stage for entertainment to support the following Community Outcomes:
- (i) Proud vibrant communities.
 - (ii) Communities that are healthy, safe, connected and sustainable.

CARRIED**RESOLUTION 2021/29**

Moved: Chair Mike Edmonds

Seconded: Member Louis Toorenburg

- c) grant the request from the North Hokianga A&P Society to utilise the funds granted by the Board at their meeting on 3 February 2021 for the 2022 show, and that the applicant may not apply to the Board for additional funding for the 2022 event.

CARRIED**RESOLUTION 2021/30**

Moved: Member John Vujcich

Seconded: Member Alan Hessell

- d) grant the request from the Bay of Islands Waldorf Trust (Oromahoe Kindergarten) for an extension of time to utilise the funds granted by the Board at their meeting on 3 June 2020 for workshops to be rescheduled prior to the end of the 2021 calendar year.

CARRIED**RESOLUTION 2021/31**

Moved: Member John Vujcich

Seconded: Member Moko Tepania

- e) grant the request from Kaikohe & Districts Sportsville for an extension of time to utilise the funds granted by the Board at their meeting on 5 August 2020 for filming a promotional video prior to 30 September 2021.

CARRIED

11:24 pm Chair Mike Edmonds resumed the Chair.

7.4 PROJECT FUNDING REPORTS

Agenda item 7.4 document number A3125219, pages 60 - 70 refers.

RESOLUTION 2021/28

Moved: Member Moko Tepania

Seconded: Member Alan Hessell

That the Kaikohe-Hokianga Community Board note the project reports received from:

- a) Kaikohe Business Association - Christmas in the Village 2020
- b) Kaikohe Pioneer Village - Halloween 2020
- c) Te Puna o Kupenuku Inc

CARRIED

8 INFORMATION REPORTS

8.1 KAIKOHE - HOKIANGA COMMUNITY HALL ANNUAL INFORMATION UPDATE

Agenda item 8.1 document number A3120658, pages 71 - 119 refers.

RESOLUTION 2021/29

Moved: Member John Vujcich

Seconded: Member Louis Toorenburg

That the Kaikohe-Hokianga Community Board receives the “Kaikohe-Hokianga Community Hall Annual Information Update”.

CARRIED

9 MEETING CLOSE

The Meeting closed at 11:24 am

The minutes of this meeting were confirmed at the Kaikohe-Hokianga Community Board Meeting held on 12 May 2021.

.....
CHAIRPERSON

8 TE WĀHANGA TŪMATAITI / 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
8.1 - Confirmation of Previous Minutes - Public Excluded	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	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
8.2 - Rating Valuation and Database Maintenance Services Contract	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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
8.3 - Governance of Northland Adventure Experience Limited (NAX)	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

<p>8.4 - Lease 11 Matthews Ave, Kaitaia (former Warehouse) to Northland DHB</p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>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</p>

9 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

10 TE KAPINGA HUI / MEETING CLOSE