



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**

## **Regulatory Compliance Committee Meeting**

**Tuesday, 20 July 2021**

**Time: 1.00 pm**  
**Location: Council Chamber**  
**Memorial Avenue**  
**Kaikohe**

**Membership:**

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

	<b>Authorising Body</b>	Mayor/Council
	<b>Status</b>	Standing Committee
<b>COUNCIL COMMITTEE</b>	<b>Title</b>	Regulatory Compliance Committee Terms of Reference
	<b>Approval Date</b>	19 December 2019
	<b>Responsible Officer</b>	Chief Executive

## Purpose

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

The Committee will have functional responsibility for the following aspects:

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

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

## Delegations

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

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

## Power to Delegate

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

## Membership

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

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

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

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

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

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

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

Mayor Carter

Kelly Stratford – Chairperson

Dave Collard – Deputy Chairperson

John Vujcich

Rachel Smith

David Clendon

Ann Court

Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

Adele Gardner – Te Hiku Community Board Chair

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

### **Quorum - Committee**

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

### **Frequency of Meetings**

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

### **Committees Responsibilities**

The Committees responsibilities are described below:

### **Hearings, Objections and Appeals**

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

### **Regulatory Activities**

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

**Policies and Bylaws**

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

**Compliance**

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

**Mana Whakahono-ā-Rohe (Mana Whakahono)**

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

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

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

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

**Public Works Act 1981**

Public work requirements.

**Local Government Act 2002**

Objections against the construction of public works on private land.

**Local Government Act 1974**

Objections and appeals to road stopping proposals.

**Fencing of Swimming Pools Act 1987**

Applications for exemption, waiver or compliance.

**Delegated decisions**

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

**Dog Control Act 1996**

Objections.

**Gambling Act 2003, Health Act 1956 and Building Act 2004**

Hearings, objections and related matters.

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

**Rules and Procedures**

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

**Annual reporting**

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

**REGULATORY COMPLIANCE COMMITTEE - MEMBERS REGISTER OF INTERESTS**

<b>Name</b>	<b>Responsibility (i.e. Chairperson etc)</b>	<b>Declaration of Interests</b>	<b>Nature of Potential Interest</b>	<b>Member's Proposed Management Plan</b>
<b>Hon John Carter QSO</b>	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
<b>Kelly Stratford (Chair)</b>	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
	He Puna Aroha Putea Whakapapa	Trustee	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Kawakawa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Whangaroa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	National Emergency Management Advisor Committee	Member		Case by case basis
	Te Rūnanga ā Iwi o Ngāpuhi	Tribal affiliate member	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 should there appear to be one
	Te Rūnanga ā Iwi o Ngāti Hine	Tribal affiliate member	Could have a perceived conflict of interest	Declare a perceived conflict should I determine there is a conflict
	Kawakawa Business and Community Association	Member		Will declare a perceived conflict should there appear to be one
<b>Kelly Stratford - Partner</b>	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
<b>David Collard (Deputy Chair)</b>	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
<b>David Clendon</b>	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		
<b>David Clendon – Partner</b>	Resident Shareholder on Kerikeri Irrigation			
<b>Deputy Mayor Ann Court</b>	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
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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 impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
<b>Ann Court - Partner</b>	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.
<b>Rachel Smith</b>	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		
<b>Rachel Smith (Partner)</b>	Property Owner	Kerikeri		
	Friends who work at Far North District Council			

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Kerikeri Cruising Club	Subscription Member and Treasurer		
	Vision Kerikeri	Financial Member		
	Town and General Groundcare Limited	Director, Shareholder		
<b>John Vujcich</b>	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	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
<b>Belinda Ward</b>	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
<b>Belinda Ward (Partner)</b>	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		
<b>Adele Gardner</b>	N/A - FNDC Honorarium			
	Te Hiku Education Trust	Trustee		
	Te Ahu Charitable Trust	Trustee		
	ST Johns Kaitaia Branch	Trustee/ Committee Member		
	Te Hiku Sports Hub Committee			
	I know many FNDC staff members as I was an			

<b>Name</b>	<b>Responsibility (i.e. Chairperson etc)</b>	<b>Declaration of Interests</b>	<b>Nature of Potential Interest</b>	<b>Member's Proposed Management Plan</b>
	FNDC staff member from 1994-2008.			
<b>Partner of Adele Gardner</b>	N/A as Retired			

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**Far North District Council**  
**Regulatory Compliance Committee Meeting**  
**will be held in the Council Chamber, Memorial Avenue, Kaikohe on:**  
**Tuesday 20 July 2021 at 1.00 pm**

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**Te Paeroa Mahi / Order of Business**

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**1 KARAKIA TIMATANGA – OPENING PRAYER****2 NGA 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 Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

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

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

**3 TE TONO KŌRERO / DEPUTATION**

- Leonie Exel - Community Advocate

## 4 CONFIRMATION OF PREVIOUS MINUTES

### 4.1 CONFIRMATION OF PREVIOUS MINUTES

**File Number:** A3052620

**Author:** Marlema Baker, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### PURPOSE OF THE REPORT

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

#### RECOMMENDATION

**That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 4 May 2021 are a true and correct record.**

#### 1) BACKGROUND

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

#### 2) DISCUSSION AND OPTIONS

The minutes of the meeting are attached. Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

#### Reason for the recommendation

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

#### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

#### ATTACHMENTS

1. **2021-05-04 RegC minutes - A3177690** [↓](#) 

**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.

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

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
REGULATORY COMPLIANCE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON TUESDAY, 4 MAY 2021 AT 1.00 PM**

**PRESENT:** Cr Kelly Stratford, Cr Dave Collard, Mayor John Carter (HWTM), Cr David Clendon, Deputy Mayor Ann Court, Cr Rachel Smith, Cr John Vujcich, Member Adele Gardner, Bay of Islands-Whangaroa Community Board Belinda Ward

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

**STAFF PRESENT:** Keith Kent (Transport Planner), Jaime Dyhrburg (Manager – Transformation and Assurance), Trent Blakeman (Manager – Building Services), Louise Wilson (Team Leader – Monitoring), Pat Killalea (Principle Planner), Rochelle Deane (Manager – Environmental Services), Marlema Baker (Meetings Administrator)

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Chair Kelly Stratford commenced the meeting and opened with a karakia.

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

**APOLOGIES**

**COMMITTEE RESOLUTION 2021/11**

Moved: Cr John Vujcich  
Seconded: Cr Rachel Smith

**That apologies from Mayor John Carter be received and accepted.**

**CARRIED**

**3 NGĀ TONO KŌRERO / DEPUTATION**

None

**4 REPORTS**

**4.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 4.1 document number A3141822, pages 14 - 17 refers

**COMMITTEE RESOLUTION 2021/12**

Moved: Cr Rachel Smith  
Seconded: Cr Dave Collard

**That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 23 March 2021 are a true and correct record.**

**CARRIED**

## 4.2 PARKING ENFORCEMENT SERVICES

Agenda item 4.2 document number A3143478, pages 18 - 26 refers

### COMMITTEE RESOLUTION 2021/13

Moved: Cr Rachel Smith

Seconded: Bay of Islands-Whangaroa Community Board Belinda Ward

**That Far North District Council:**

**a) makes application for the delegation to enforce stationary parking offences on State Highway from Waka Kotahi (the New Zealand Transport Agency); and**

**the Regulatory Compliance Committee recommends to Council:**

**b) that it commences a trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district.**

**CARRIED**

## 5 INFORMATION REPORTS

### 5.1 RESOURCE MANAGEMENT ACT REFORM UPDATE

Agenda item 5.1 document number A3146678, pages 27 - 31 refers

### COMMITTEE RESOLUTION 2021/14

Moved: Cr Rachel Smith

Seconded: Cr David Clendon

**That the Regulatory Compliance Committee receive the report Resource Management Act Reform Update.**

**CARRIED**

### 5.2 ENVIRONMENTAL HEALTH SERVICES: FOOD LICENSING UPDATE

Agenda item 5.2 document number A3152679, pages 32 - 50 refers

### COMMITTEE RESOLUTION 2021/15

Moved: Cr Rachel Smith

Seconded: Cr John Vujcich

**That the Regulatory Compliance Committee receive the report Environmental Health Services: Food Licensing Update.**

**CARRIED**

### 5.3 BCA REGULATORY COMPLIANCE UPDATE

Agenda item 5.3 document number A3155727, pages 51 - 52 refers

Trent Blakeman presenta

### COMMITTEE RESOLUTION 2021/16

Moved: Cr Rachel Smith

Seconded: Bay of Islands-Whangaroa Community Board Belinda Ward

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

**CARRIED**

**6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

**7 TE KAPINGA HUI / MEETING CLOSE**

**The meeting closed at 2:00pm.**

**The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 15 June 2021.**

.....  
**CHAIRPERSON**

## 5 INFORMATION REPORTS

### 5.1 DISTRICT SERVICES MONTHLY BUSINESS REPORT FOR MAY 2021

**File Number:** A3265651

**Author:** Dean Myburgh, General Manager - District Services

**Authoriser:** Dean Myburgh, General Manager - District Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To present a summary of District Services activity and information items.

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

This District Services Monthly Business Report provides a summary of progress and highlights for the month of May 2021.

#### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report District Services Monthly Business Report for May 2021.**

#### TĀHUHU KŌRERO / BACKGROUND

The District Services group provides many services for the benefit of our communities to make it a great place to work, live and visit. The group is made up of three departments:

- **Community & Customer Services:** This includes Customer Care – Service Centres and Contact Centre, Libraries and Museum, i-SITE Information Centres, Tenancy services for Housing for the Elderly and burial processing for Cemeteries.
- **Building Services:** This includes processing and inspecting Building Consents and Building Compliance related matters.
- **Environmental Services:** This includes Animal Management, Environmental Health (Food, Alcohol and Health licensing and monitoring), Compliance Monitoring (Legislation and Bylaw monitoring and enforcement) and Resource Consents processing.

#### MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The information is attached in the form of a report.

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

None

#### ĀPITIHINGA / ATTACHMENTS

1. District Services Monthly Business Report - May 2021 - A3245471 [↓](#) 



**DISTRICT SERVICES  
MONTHLY  
BUSINESS REPORT**

**May 2021**

**HE ARA TĀMATA  
CREATING GREAT PLACES**  
*Supporting our people*

## Executive Summary

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This District Services Monthly Business Report provides a summary of progress and highlights for the month of May 2021. The District Services Group achieved several successes and made good progress in the following areas:

### Community and Customer Services

- **Libraries:** Libraries took possession of their outreach van (a custom-built mobile library) in May which will enable the team to provide service in more remote parts of the district and deliver on the Library Strategy adopted in 2018.
- **Museum:** The museum strategy was completed in May which provides clear direction for future services.
- **i-SITEs:** Visitor numbers have been stronger since the travel bubble between NZ and Australia opened. In the past year, the Visitor Information Network Incorporated Board revisited the strategic options surrounding the future of the i-SITE network. An initial preferred option will be updated and presented by i-Sites NZ / Visitor Information Network NZ in July for further consideration by Council.
- **Customer Care:** Appropriate resourcing of the Contact Centre has been given priority to alleviate longer wait times for customers during peak periods.
- **Housing for the Elderly:** Most of the heating and ventilation requirements for the Healthy Homes regulations across the villages has been completed. Kaikohe is the only outstanding village with work currently being completed.
- **Cemeteries:** The unveiling of the Spickman-Nisbet headstones took place in early May. This concludes the He Waka Kotahi (NZTA) project of uplifting and reburial of all the remains from a private family cemetery, (slipping onto State Highway 10) into the Kaeo Public Cemetery. This project was a great example of multiple agencies working together to achieve a good outcome for the families and improve road safety for the general public.

### Building Consents

Building consent numbers have remained higher than the four-year average for the past four months; the higher numbers were a feature during 6 of the 11 months of the year being reported on. The actual number of consents received (1765) are higher than the forecast number of building consents (1400); a total of 1378 consents have been issued. Forecast inspections (6700) for the year were also exceeded, with a total of 8139 inspections completed. Code compliance certificates issued are close to the 1300 forecast figure, with the end of May figure tracking at 1169.

The inspections team, responding to demand, have completed 884 inspection for the month of May with a pass rate of 83%.

### Environmental Services

- **Resource Consents:** 70 RMA applications and 52 RMA certificates and LGA applications were received. In total, 54 RMA decisions were issued in May with three decisions issued outside statutory timeframes. This gives the Resource Consents Team a statutory compliance percentage of 94%.
- **Noise Complaints:** Noise complaints have decreased in May with only 89 noise complaint Requests for Service (RFSs) received in May 2021, a decrease of nearly 40 complaints, which is expected during the winter months. Response times were 78.5% met for urban areas and 60% met in rural areas against a KPI target of 95%. The ability for the contractor to source Police assistance for some properties is impacting on response time performance.
- **Parking Enforcement:** 76 parking infringements were issued this month. Preparation is underway for the WoF and Vehicle Registration trial to commence on 1 July 2021; the trial will have an initial educational approach.
- **Animal Management:** 376 RFSs were received for Animal Management in May, 41 urgent and 335 non-urgent. 113 of these RFSs were adoption or rehoming queries. Animal Management Officers responded to 92% of RFSs within the required levels of service during May.
- **Environmental Health Services:** 28 businesses had verification visits by Environmental Health Officers during May 2021. A total of 42 Good Host Visits (GHV) of Licensed premises were also conducted.

## Performance in Brief

### Introduction

The District Services group provides many services for the benefit of our communities to make it a great place to work, live and visit. The group is made up of three departments:

- **Community & Customer Services:** This includes Customer Care – Service Centres and Contact Centre, Libraries and Museum, i-SITE Information Centres, Tenancy services for Housing for the Elderly and burial processing for Cemeteries.
- **Building Services:** This includes processing and inspecting Building Consents and Building Compliance related matters.
- **Environmental Services:** This includes Animal Management, Environmental Health (Food, Alcohol and Health licensing and monitoring), Compliance Monitoring (Legislation and Bylaw monitoring and enforcement) and Resource Consents processing.



### Our Customers

We are transitioning to a new measurement system for Customer Experience feedback. AskNicely is our new measurement tool, which is customer friendly, easy to use and simpler. Reporting is not yet available.

### Our Finances

The District Services group activities are funded from rates or user charges, or a mix of both. The key objective is to fund these services in an affordable, transparent and accountable way. This ensures that payment for Council services is sourced from those who use them.

Funding Breakdown for the District Services Group

<p>Rates 100% User Charges 0%</p> <p>Customer Services</p>	<p>Rates 90-99% User Charges 1-10%</p> <p>Building Compliance Monitoring and Enforcement Libraries</p>	<p>Rates 70-79% User Charges 21-30%</p> <p>i-SITEs</p>
<p>Rates 60-69% User Charges 31-40%</p> <p>Cemeteries Animal Control</p>	<p>Rates 50-59% User Charges 41-50%</p> <p>Parking Enforcement</p>	<p>Rates 40-49% User Charges 51-60%</p> <p>Resource Consents Environmental Health Building Consents Housing for the Elderly</p>

### Our Level of Service KPIs

The District Services group performance is measured using Key Performance Indicator (KPI) measures aligned with the Long Term Plan 2018 – 28 (LTP) and Annual Plan.

These measures demonstrate our commitment to our legislative obligations and contribution to community outcomes.

Contribution to community outcomes	
	Communities that are healthy, safe, connected and sustainable
	Connected and engaged communities prepared for the unexpected
	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

## Community and Customer Services

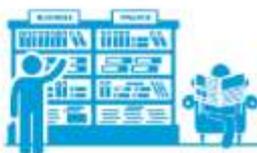
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This section contains performance information for the Community and Customer Services department.

## Introduction

Community and Customer Services includes Customer Care – Service Centres and Contact Centre, Libraries and Museum, i-SITE Information Centres, Tenancy services for Housing for the Elderly and burial processing for Cemeteries.

Connecting with our communities and providing excellent customer service is important to Council. Our Customer Care team at service centres and the contact centre are the first point of contact for people in our district, providing vital services such as delivery of information, liaising with departments to progress requests from the community, helping people to solve Council-related issues, and receiving and processing payments. Customer services related to cemeteries and housing for elderly is also part of our remit.



Our libraries provide leisure and lifelong learning opportunities that strengthen our communities. They provide free and open access to knowledge and information services to all residents, and are a safe, neutral place where people can connect. We maintain and manage six public libraries located in Kaeo, Kaikohe, Kaitaia, Kawakawa, Kerikeri and Paihia and an outreach service.

Museum @Te Ahu's purpose is to illuminate the stories and histories of the Far North district of New Zealand. As the only museum in the area they have an important role in explaining the specialness of the Far North.

Visitors to our District often seek advice about their travel arrangements, and for this reason we provide i-SITEs where helpful local experts provide a key component of an excellent visitor experience to our District. Located in key visitor areas, our i-SITEs are vitally important to the economic prosperity of our communities. We have three i-SITEs in Kaitaia, Opononi and Paihia. i-SITEs are not just for our visitors, they also act as the local service centre where residents and ratepayers can register their dog, pay their rates, and make general enquiries about council services.



## Community and Customer Care Executive Summary - May 2021

The end of May saw the completion of Scott May's eight week secondment to the role of Manager – Community and Customer Services who filled in for Jacine Warmington while she was seconded to the role of General Manager – Corporate Services. Both thoroughly enjoyed their experience in the different roles and grateful to have been given the opportunity to get across other areas of the business with increased responsibility. It clearly signals the organisation's intent to invest in and grow their people.

### Libraries

Libraries took possession of their outreach van in May. Funded by National Library until June 2022 the van will enable the team to provide service in more remote parts of the district.

The museum strategy was completed in May. Created after community consultation and input from the Museum Trust, the strategy provides clear direction for future services.

New library programming includes a Minecraft club for primary school children at Kawakawa, Kaikohe and Procter Libraries. The community has responded enthusiastically.

## Library stars shine brightly

I am proud to announce that Senior Librarian, Sabine Weber-Beard, has been chosen to represent New Zealand at the International Federation of Library Associations and Institutions (IFLA) based in The Netherlands.

Sabine was one of two New Zealanders elected to the 20-member Regional Division Committee for Asia-Oceania.

The Committee supports the development and delivery of action plans that respond to library needs in the Asia-Oceania region. This is a great opportunity for Sabine to develop her leadership skills and influence international library policy.

This isn't the first time Sabine has distinguished herself. In 2018, she was part of the team that made a successful bid for New Zealand to host the 2020 World Library and Information Congress.

She also received a national Outstanding Service to Public Libraries Award in 2018, thanks to a nomination by Manager – Community and Customer Services, Jacine Warmington.

I would also like to acknowledge other stars in our library team. Chris Pigott, Nicola Smith and Roxanne Harrison attended the Public Library Managers of New Zealand conference in Wellington last month to form



*A great achievement for Senior Librarian Sabine Weber-Beard.*

connections and hear about innovations in the sector.

The main takeaway was that, while we lack the resources of the big metro councils, we're super-agile and our services, programmes and events are right up there with the biggest and best New Zealand has to offer.

### i-SITE's

Visitor numbers have been stronger since the travel bubble between NZ and Australia opened up with our Australian neighbours taking the opportunity to explore and enjoy the Far North. Retail is holding its own with both locals and visitors purchasing product.

A planned i-SITE Owners and Managers forum was postponed from May to July. In the past year the Visitor Information Network Incorporated Board and executive have revisited the strategic options surrounding the future of the i-SITE Network, building on significant work that had been undertaken before the onset of Covid-19. They are now able to share with owners their formal preferred option for the future of the network and are seeking feedback and support to finalise and bring to fruition.

### Customer Care

There has been an ongoing focus on finding casual staff for the Contact Centre. In May a casual staff member in the contact centre had the opportunity to apply for a permanent multi-skilled CSO position and was successful. Another casual has been taken on and their training is underway.

### Housing for the Elderly

May saw most of the heating and ventilation requirements for the Healthy Homes regulations across the villages completed. Kaikohe is the only outstanding village with work currently being done. The feedback from tenants is a mixture of "I don't need it; I don't feel the cold" to "this is the best thing since sliced bread".

Six monthly inspections have been carried out in Awanui and Puckey Avenue with a few issues raised. Reminders will be sent out about keeping smoke alarms on the ceilings at all times. District Facilities are hoping to have one of the vacant units in Awanui finished in the coming weeks and there are a number of applicants to interview. Two tenancies ended during May and another will become vacant in early June. Interviews were held for a vacant unit in Ahipara and the new tenant will move in early June.

#### **Cemeteries**

The unveiling of the Spickman-Nisbet headstones took place in early May. This concludes the He Waka Kotahi (NZTA) project of uplifting and reburial of all the remains from a private family cemetery, (slipping onto State Highway 10) into the Kaeo Public Cemetery. This project was a great example of multiple agencies working together to achieve a good outcome for the families and road safety for the general public.

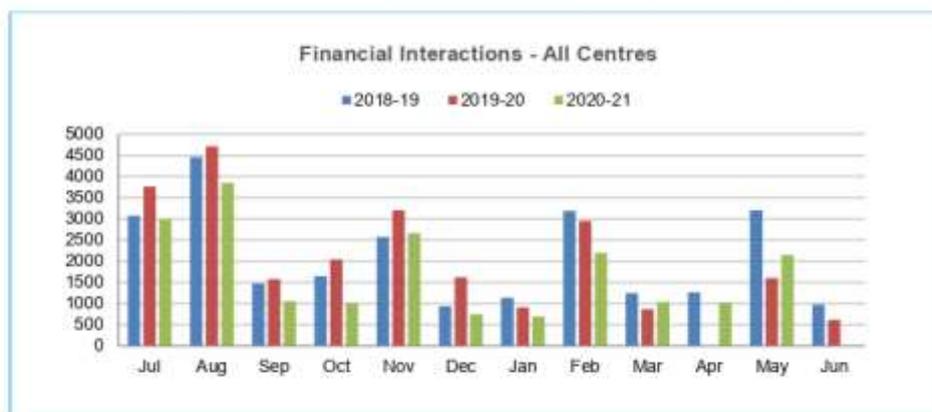
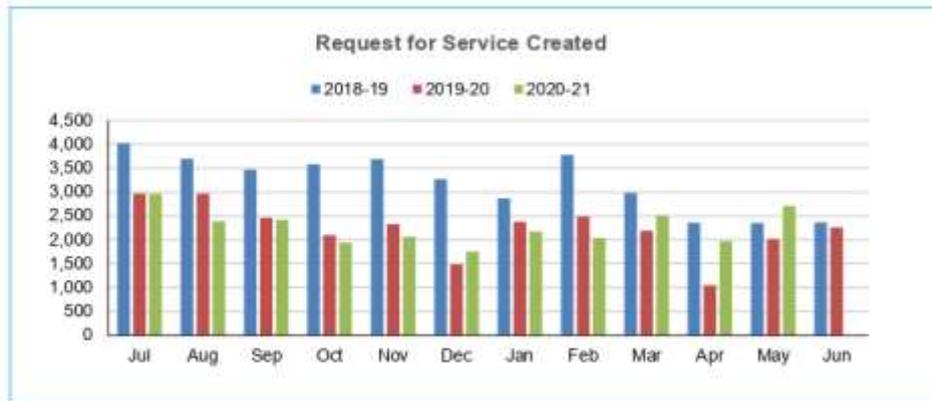
### Customer Care

The Customer Care team consists of 2 teams: Contact Centre and Service Centre staff. As well as receiving calls from customers, the Contact Centre staff are also responsible for responding to emails from customers (AskUs Emails), managing online customer registrations and actioning change of address requests for customers. Both teams are also responsible for booking building inspections for the whole region.

Comparison of May 2021 with May 2020:

- 33.85% increase in financial interactions at Service Centres (2,147 up from 1,604)
- 0.81% increase in calls to the Contact Centre (7,369 up from 7,310)
- 45.68% increase in AskUs emails received (3,116 up from 2,139)
- 1.56% decrease in building inspections booked (630 down from 640)
- 59.23% increase in visits to Service Centres (3,726 up from 2,340)





**i-SITES**

Three i-SITES; Kaitiāia, Opononi and Paihia. As well as serving visitors the i-SITES function as a local service centre where residents and ratepayers can register their dog, pay their rates, and make general enquiries about council services.

Comparison of May 2021 with May 2020:

- 229% increase in visitor numbers (13,316 up from 4,037)
- 263% increase in retail revenue (\$7,815 up from \$2,150)
- 482% increase in transaction spend (\$10,058 up from \$1,727)
- 487% increase in transaction numbers (3,031 up from 516)

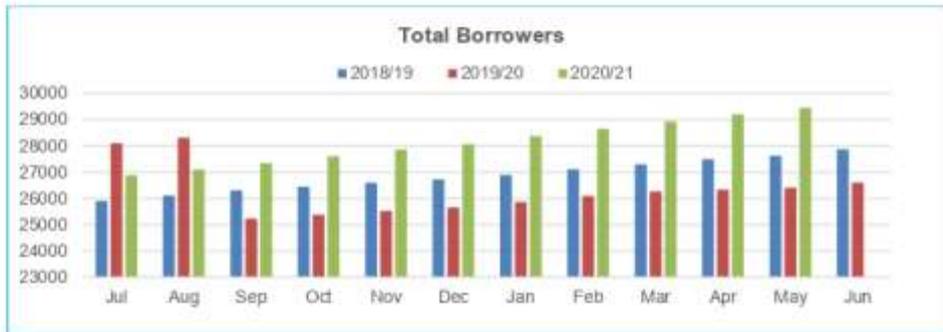


### Libraries

Six public libraries and an outreach service (mobile library) provide access to a large selection of reading material such as books for all ages, magazines, newspapers and DVD's. The libraries also provide access to online collections including eBooks, eMagazines, movies and newspapers, computers / internet access, wifi, free internet modems (Skinny Jump programme), printing, copying, scanning, meeting rooms, study spaces and JP services.

Comparison of May 2021 with May 2020:

- 287% increase in ebook and audio downloads (16,488 up from 4,255)
- 16.2% decrease in library website sessions (down from 41,793)

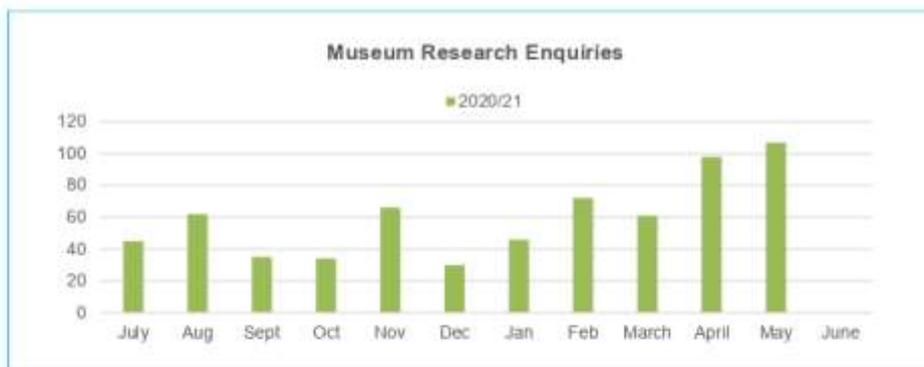
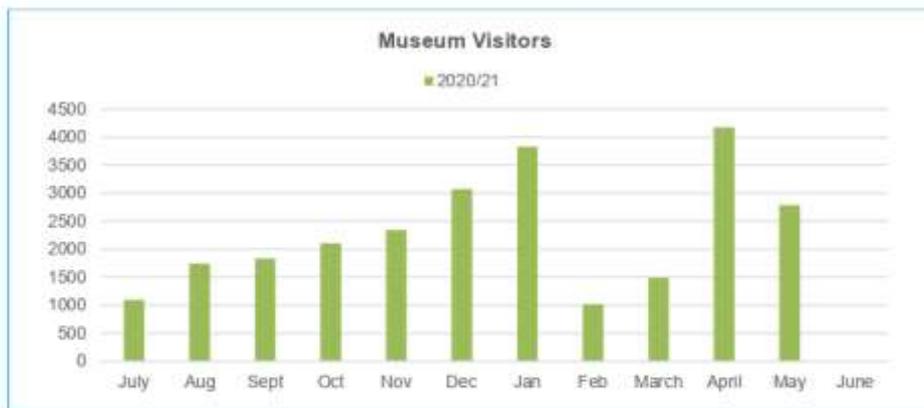




Programmes currently on offer are Tamariki Tune Time, Robotics, Lego club, Minecraft, Virtual reality and Storytime.

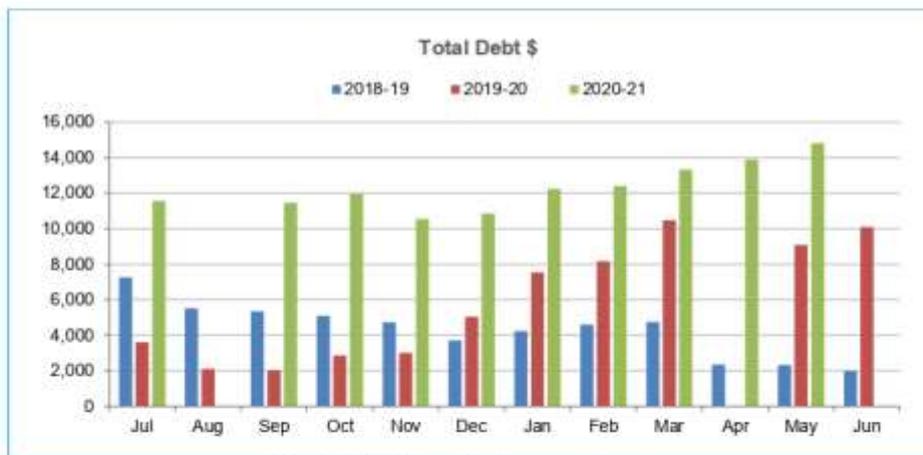
**Museum**

The Museum @ Te Ahu (formerly known as the Far North Regional Museum) was established in 1969 with the purpose of collecting and preserving treasures and taonga relating to the history of the Far North. It is located in the Te Ahu complex in Kaitiāia.



### Housing for the Elderly

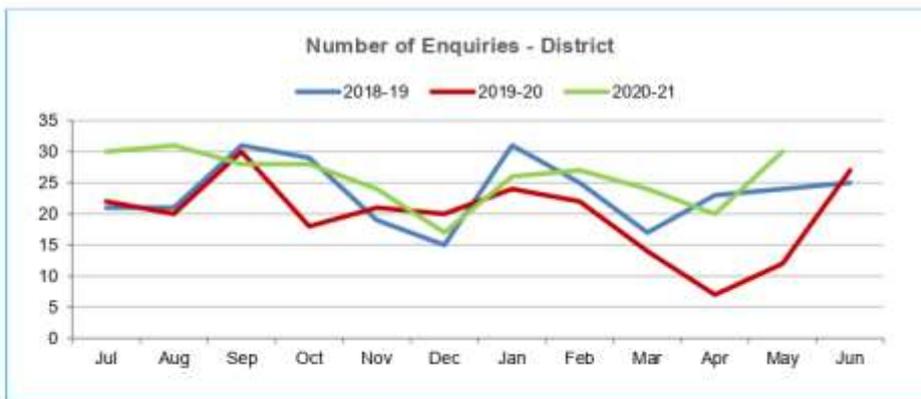
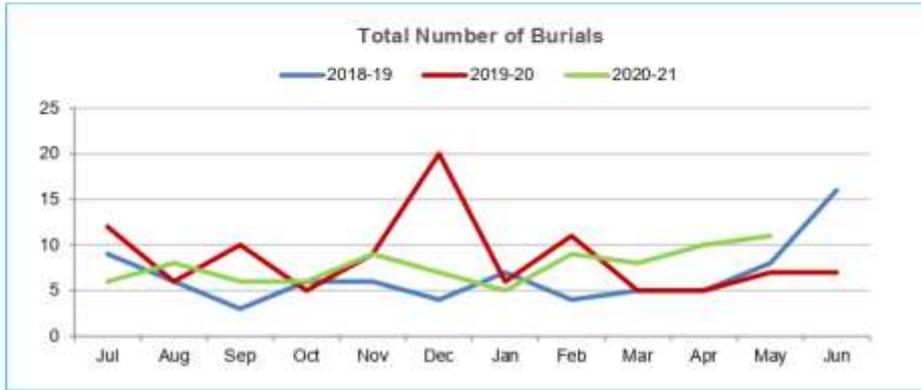
Council offers Housing for the Elderly (HFE) units in 12 complexes (147 units) across the district to eligible tenants over the age of 60 and who are on a benefit. Vacancies are generally due to refurbishment and wait lists continue to be high due to the lack of housing in the district and an ageing population.



\*The Total Debt graph shows rent arrears.

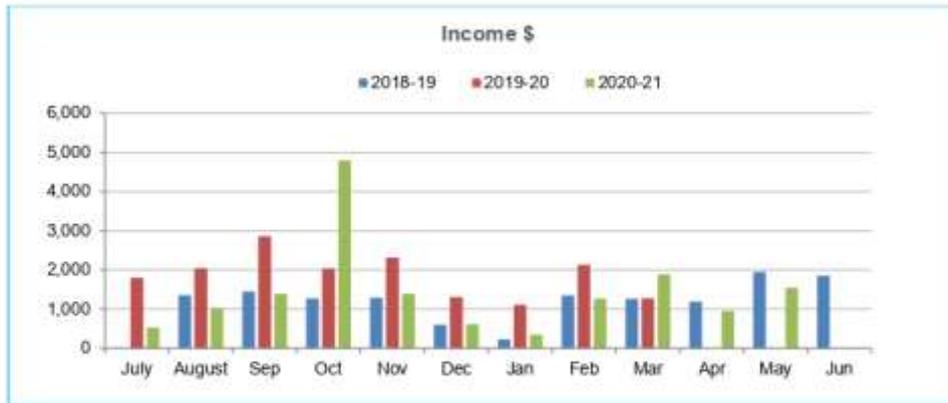
**Cemeteries**

There is a range of services and facilities for burials and memorials in the district. Council manages and maintains 11 of the 26 cemeteries. Genealogy (whakapapa) can be searched using an online cemetery database to find records by family name.



**Memorial Hall**

The Memorial Hall is located in Kaikohe and is the only Council owned hall run by Council. It is regularly used for youth martial arts, fundraising and other private events.



## Building Services

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This section contains performance information for the Building Services department.

## Introduction

The Building Services Department consists of two teams, the building consent authority (BCA) and the territorial authority (TA). A territorial authority must perform the functions of a BCA for its own city or district. In addition to these responsibilities, a territorial authority performs the following functions, including any functions that are incidental and related to, or consequential upon these.

### The BCA perform the following functions:

- issue building consents
- inspect building work for which it has granted a building consent
- issue notices to fix
- issue code compliance certificates
- issue compliance schedules



### A territorial authority issue:

- project information memoranda
- certificates of acceptance
- certificates for public use
- compliance schedules (and amends compliance schedules)



### A territorial authority also:

- follows up and resolves notices to fix
- enforces the provisions relating to annual building warrants of fitness
- performs functions relating to dangerous or insanitary buildings
- determines whether building work is exempt under Schedule 1 from requiring a building consent



### Power to inspect and enter land

- Sections 222 to 228 provide details of the powers of entry to undertake an inspection

### Building Services Executive Summary – May 2021

Building consent numbers have remained higher than the four-year average now for four months running and a total of six months of the year to date. We are currently beyond the forecast number of building consents and inspections for the year. Building consents were forecasted for 1400, we have received 1765 to date and issued 1378, while inspections were forecasted for 6700 and we have completed 8139 to date. Code compliance certificates were forecasted for 1300 and we are currently tracking at 1169 for the year.

Given the current state of BCA's across the country IANZ have requested a follow up in October 2021. This will be a simple exercise of sharing records with IANZ demonstrating the current state of the BCA. We are currently working to ensure that IANZ have confidence that the BCA is on track for the next onsite assessment in October 2022.

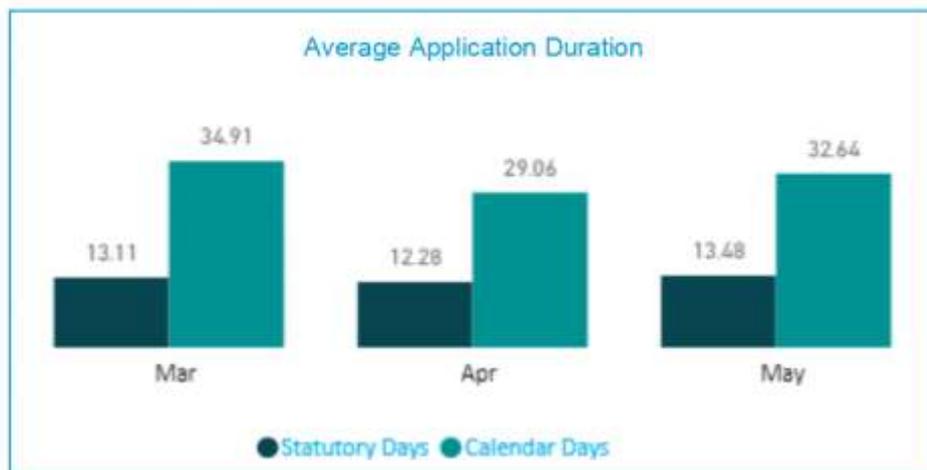
The inspections team, responding to demand, have completed 884 inspection for the month of May with a pass rate of 83%.

### Levels of Service

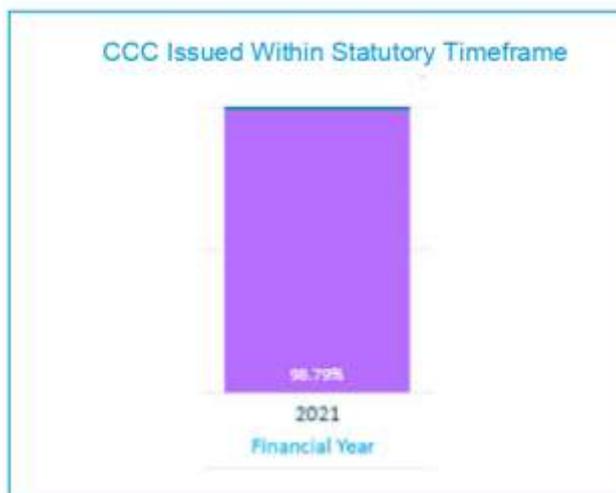
Building consent processing compliance is tracking at 99.18% for the current year to date. This is a marginal decrease on the 99.66% previously reported. A total of 1346 consents have been issued with 11 over the 20-day statutory timeframe. The BI reported eight consents granted outside of the statutory timeframe in May. One of these overs was due to an incorrect lodgement date being entered into the workflow that has since been corrected. The other seven overs are a result of the high volume of consents exceeding the BCA's capacity to process them.



Both the average statutory and calendar days to issue a consent increased in May. This is consistent with the high numbers of consent applications the BCA is currently experiencing.

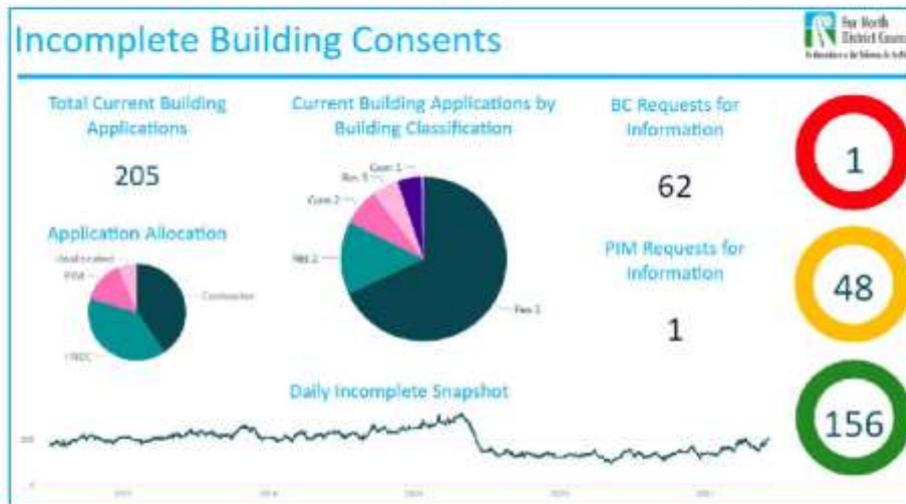


The current year to date compliance rate for issuing code compliance certificates within the 20-day statutory timeframe is 98.80%. This is an increase on the 98.64% reported in the previous period. A total of 1155 certificates have been issued, with only 14 issued outside the statutory timeframe for the year.



**Building Consent Authority**

The dashboard below shows the consents currently being processed by the BCA. There are 132 Residential 1 (Res1), 28 Residential 2 (Res2), 10 Residential 3 (Res3), 9 Commercial 1 (Com 1), 14 Commercial 2 (Com 2) and 1 Commercial 3 (Com 3) applications. Use of contractors has decreased marginally to 50% as in-house competency and capacity continues to increase. It is important to note that these numbers include consents that are currently on hold awaiting information. The one consent that is appearing in the red below is a duplicate that is to be removed.



The dashboard below shows the number of consent applications received per month. Received consent applications increased in May to 185 applications. This is 61 applications higher than May last year and 41 applications higher than the previous 4-year average. The previous four-year trend suggests that we can expect a decrease in applications in June.



The dashboard below shows the building consent applications received by category. Res 1 applications continue to dominate the current workload of the BCA with a total of 1240 Res 1 applications lodged to date. The commercial sector remains steady with 194 commercial applications to date. By comparison there were 133 commercial applications in total for the previous financial year.



## Building Compliance

The Building Compliance Team (TA) are regulators operating under the Building Act 2004, which sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in New Zealand.

Its purpose is to ensure people can use buildings safely and without endangering the health or the property of others. The team manage the spheres of Building Compliance, Building Warrant of Fitness, swimming pools, Certificate of Acceptance and Exemptions.

Building compliance issues are not always Council's responsibility. Other agencies such as the police or another government agency may be responsible or certain matters may be civil matters to be decided either legally or through mediation.

Council ensures compliance by inspecting or monitoring sites to ensure they comply with legislation. Depending on the level of non-compliance, there is a range of enforcement options the Council can take, from education to formal enforcement such as notices and prosecution.

Formal enforcement is not taken lightly. It is based on thorough investigation and considers the impact, and what the person responsible has done to address the situation.

## Requests for Service (RFS)

Requests for service range from general requests about legislation and owner obligations, through to requests to investigate suspected breaches of the Building Act 2004.

May saw a tapering off and reduction in the number of requests for service, reflective of the change in season and the onset of wetter weather. The Building Compliance team continues to deal with a number of dwellings being built across the district without consent.



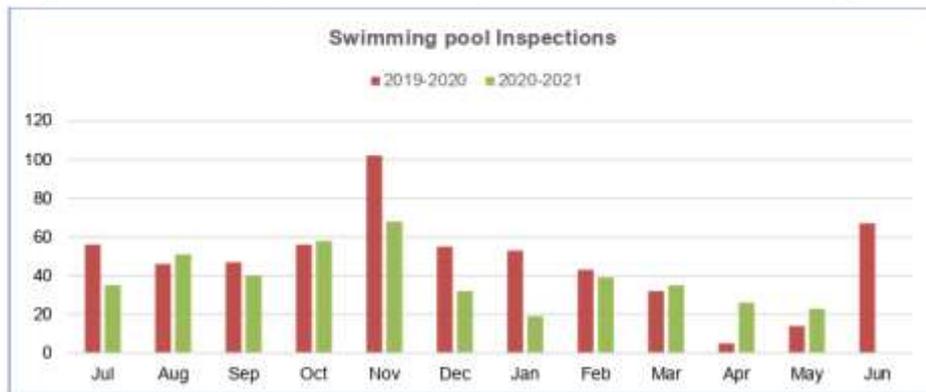
## Swimming Pools

From 1 January 2017, the provisions of the Fencing of Swimming Pools Act 1987 were incorporated into and form part of the Building Act 2004. The Act applies to all residential pools and small heated pools with a depth of 400mm or more.

Pools that are filled (or partly filled) with water must have a physical barrier that restricts access to the pool by unsupervised children under the age of 6 years of age. Residential pools, including indoor swimming pools are subject to an inspection every 3 years.

23 swimming pool inspections were carried out during the month of May, with the completion of inspections on track and as per the allotted inspections for the year.

The swimming pool fail rate was 18% for this period. Council are working hard to provide these homeowners with the knowledge and information to help them achieve compliance and reduce the risk of drowning in the district.



**Building Warrant of Fitness (BWoF)**

A building warrant of fitness (BWoF) is an annual certificate that confirms that specified systems in a building have been inspected and maintained and that requirements of the compliance schedule have been met.

Building owners are required to engage an independent qualified person (IQP) to inspect and certify the specified systems, display a copy of the BWoF certificate within the public area of the building and to provide the Council with a copy of the BWoF and IQP certificates of compliance.

The Council undertake BWoF audits of commercial buildings following a risk-based approach. Audits are carried out on a 1, 3, or 5-year cycle, but can also include any requests for service where there are concerns about a building owner’s on-going compliance with the regulations.

25 BWoF audits were carried out during May. The digital transformation and new dashboards have seen BWoF in perhaps the best shape it’s been since the introduction of a BWoF regime.



### Notices to Fix

A Notice to Fix (NTF) is a statutory notice requiring a person to remedy a breach of the Building Act 2004 or regulations under that Act. A NTF can be issued for all breaches of the Act, not just for building work.

23 Statutory Notices were served during the month of May for breaches of the Building Act 2004

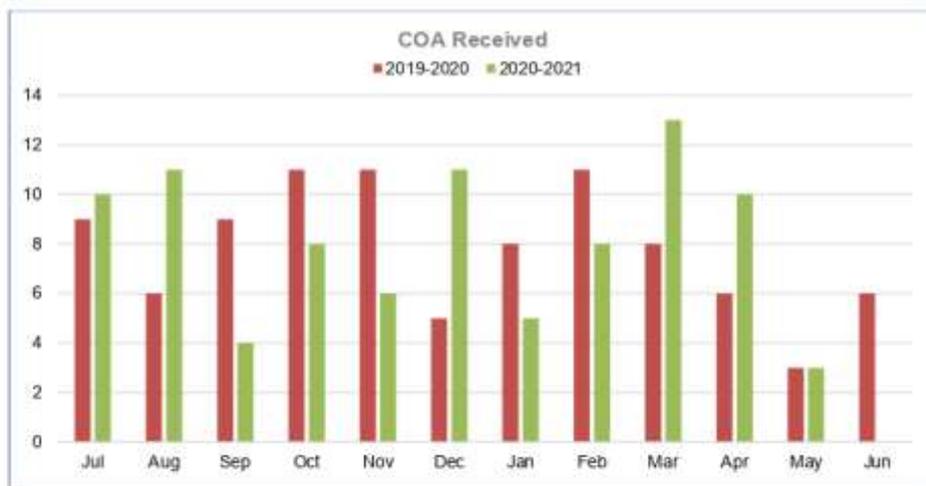


### Certificates of Acceptance

A certificate of acceptance (COA) provides building code certification on work that can be inspected. It excludes work that cannot be inspected, so is not as comprehensive as a Code of Compliance Certificate (CCC). A certificate of acceptance applies where:

- work that requires a building consent was completed without one
- urgent work is carried out under section 42 of the Building Act
- another building consent authority or building certifier refuses to or cannot issue a CCC

Council received 3 COA applications were received during the month of May, consistent with last year's figures.



### Infringements

Under Section 372 of the Building Act, an infringement notice may be served on a person if an enforcement officer observes the person committing an infringement offence or has reasonable cause to believe an infringement offence is being or has been committed by that person.

The Building Infringement Regulations contain a clear and unambiguous list of infringement offences. These infringement offences are based on specific existing building offences. The fees are prescribed by regulations, following consultation with territorial and regional authorities and building sector representatives, with the following principles in mind:

- Higher fees would reflect direct risks to health and safety
- There should be consistency between offences that are similar in nature

Fees range from \$250 (for procedural offences) to \$2,000 (for more serious breaches), with the level of fee reflecting a smaller percentage of the maximum fine already specified in the Building Act.

7 infringements were issued during the month of May.



## Environmental Services

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This section contains performance information for the Environmental Services department.

## Introduction

Environmental Services cover the regulatory and licensing activities and responsibilities for council. The department is directed by primary legislation and FNDC policies and bylaws.

This team is made up of Resource Consent Management, Monitoring and Compliance, Animal Management and Environmental Health (Food and Liquor) and associated Administration support.

Activities and services undertaken include:

- the processing and monitoring of resource consent applications and related consents
- promotion of responsible ownership of dogs, including the care and control around people, protected wildlife, other animals, property, and natural habitats
- responsibilities for the sale, supply, and consumption of alcohol, to minimise alcohol-related harm in our District
- providing verification services for food control plans ensuring that food prepared and sold is safe.



The team provides advice and guidance while delivering compliance, monitoring and enforcement across the region. By applying a risk-based approach this enables monitoring efforts to be focussed on the biggest risks to the community and target areas where businesses and people are less likely to comply.

Council has responsibilities under legislation to safeguard public health, safety, and welfare. Regulatory activities and responsibilities, such as the issue of consents, the enforcement of bylaws, and the provision of liquor licenses are undertaken for the benefit of our communities and to ensure that everyone can live in and enjoy our district.

## Environmental Services Executive Summary – May 2021

### Resource Consents

122 resource consent applications were lodged in May 2021. This is made up of 70 RMA applications and 52 RMA certificates and LGA applications. There were 54 RMA decisions issued in May with three decisions issued outside statutory timeframes. This gives the Resource Consents Team a statutory compliance percentage of 94%. This is a slight increase on April's compliance of 93%.

Discounts applied to consent processing for 2020/2021 to the end of May is \$44,090.58. For the same period last year there had been \$183,181.21 applied. The result, to date, is reflective of meeting statutory timeframes and is a difference of over \$139K.

### Monitoring and Compliance

The vacant roles within the Monitoring and Compliance team have been filled and training has begun. The recruitment for a fixed term Resource Consent Monitoring role is underway.

Noise complaints have decreased in May with only 89 noise complaint RFS received in May 2021, a decrease of nearly 40 complaints, which is expected during the winter months. Response times were 78.5% met for urban areas and 60% met in rural areas against a KPI target of 95%. The ability for the contractor to source Police assistance for some properties is impacting on response time performance.

76 parking infringements were issued this month. Preparation is underway for the WoF and Vehicle Registration trial to commence on 1 July 2021, which will have an initial educational approach.

Vehicle crossing applications remain high in May with 13 applications received across the month.

### Animal Management

376 RFS were received for Animal Management in May, 41 urgent and 335 non-urgent. 113 of these RFS were adoption or rehoming queries. Animal Management Officers responded to 92% of RFS within the required levels of service during May.

40 dogs were impounded, and 12 dogs were rehomed via Council's Facebook page or to a rescue group during the month.

The Northern Animal Shelter is still on track to be operational and receive dogs from July 2021. Once operational, the temporary dog pound in Horeke will be decommissioned.



### Environmental Health

28 businesses had verification visits by Environmental Health Officers during May 2021. There were also 42 Good Host Visits (GHV) of Licensed premises conducted.

The team are tracking extremely well in terms of the number of GHVs being completed and have already visited over 93% of premises in the district over the year exceeding the annual KPI target for visits (≥25% of premises visited annually).

## Resource Consents

### Introduction

#### What we do and why

A critical function of Council is enabling the sustainable use, development and protection of the natural and physical resources in our district. This is underpinned by the obligations imposed by the Resource Management Act 1991. Activities and services undertaken include the processing of resource consent applications and related consents, such as earthworks permits.

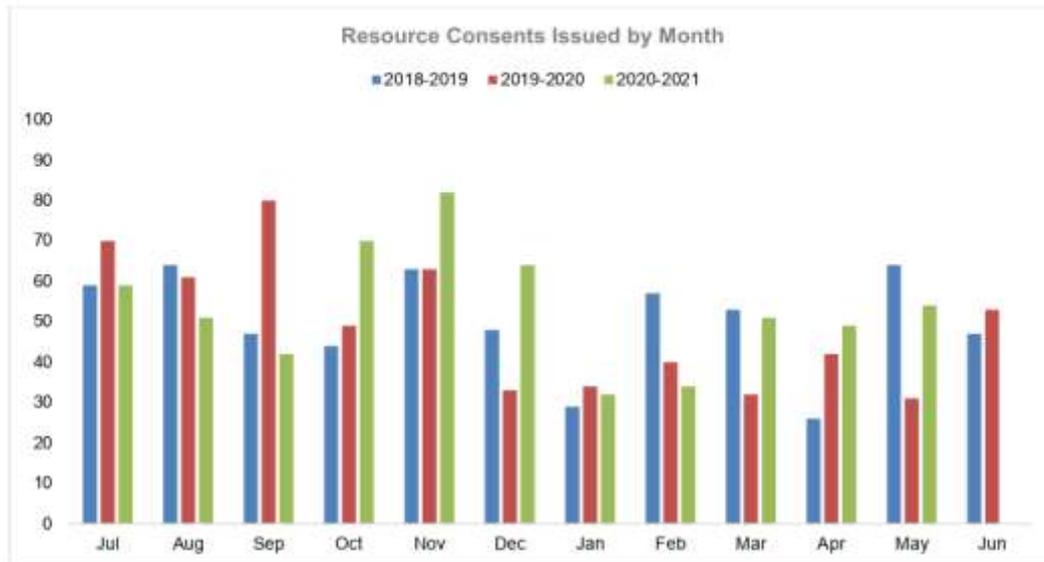
#### Levels of Service

The level of service for resource consents was amended as part of the 2018 – 2028 LTP process to better express councils' commitment to the community. The previous satisfaction measure has been replaced with two new ones to assess the response to compliance incidents, and processing of applications. These more adequately provide an indicator of performance.

#### Resource Consents Summary



The resource consents team had a very busy May, receiving 70 RMA applications. The graph above shows the applications received by month over the last 3 years. The resource consents team received 8 more applications than in May 2019 and 20 more than in May 2020.



The graph above shows the number of applications issued by month over the last 3 years. A total of 54 RMA decisions were issued in May 2021, this is 23 more than May 2020 but 10 less than May 2019.



The graph above shows compliance to the end of May 2021. Of the 54 RMA applications issued, 3 were outside statutory timeframes, giving a percentage of 94% meeting statutory timeframes. This is a slight increase from April 2021. The three consents that went over were only over by one day and all due to miscalculations in days. A record is kept of all the reasons why statutory timeframes are not met to address improvements going forward.

**Types of Applications Received**

The following table details the numbers and types of resource consent applications received for May 2021. This shows a high number of land use and subdivision applications received in May.

Type of Resource Consent	Number Received
Land use consent	32
Subdivision	15
Variation	6
Permitted Boundary Activity	7
Extension of Time	1
Certificate of Compliance	0

Other consent	0
Combined land use and subdivision	6
Outline waiver	1
Discharge	1
Contaminated Soil	1
<b>Total RMA</b>	<b>70</b>

#### Certificate and Permit Applications Received

52 various certificates and Local Government Act (LGA) applications were worked on and issued in May. The following table details the number of certificates and other applications received for May 2021.

Type of Certificate & LGA applications	Number Received
CER223	19
CER224	14
CERBND	0
CEROTH	6
CER348	1
LGA348	2
LGAEWK	6
LIQCOC	2
RMA Plan Approvals	2
<b>Total Certificates</b>	<b>52</b>

In total the resource consents team, along with the planning support team, worked on 70 new RMA applications, and 52 certificates, licences and permits, and attended multiple concept development meetings in May 2021.

#### Trends, News and Success Stories

##### Status of Discounts

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

Discounts applied to consent processing for 2020/2021 to the end of May is \$44,090.58. For the same period last year there had been \$183,181.21 applied. The result, to date, is reflective of meeting statutory timeframes and is a difference of over \$139k.

##### Hearings

The Environment Court released their decision between Seafort Holdings Limited and FNDC on 25 May 2021. The Environment Court Judge recommended the Council erred in not holding a hearing before the proceedings were brought before the Environment Court. A hearing is currently being organised.

##### Customer and Relationships

The new customer feedback system, AskNicely, has been successfully rolled out with the resource consents team receiving 25 responses out of 80 surveys sent in May 2021. Twelve were satisfied, nine were not satisfied and four were neutral. Five of the nine dissatisfied customers were regarding matters unrelated to resource consents, one from someone who didn't have a consent.

## Monitoring

### Introduction

Council is responsible for safeguarding public safety, minimising environmental risk, and protecting social and cultural interests as directed by primary legislation and our policies and bylaws. The monitoring and enforcement team are responsible for the administration and enforcement of these obligations.

The Monitoring Team is responsible for:

- District Plan breaches
- RMA breaches
- Bylaw breaches
- LGA breaches
- Removal of abandoned vehicles
- Parking enforcement
- Resource consent monitoring
- Bylaw permits
- Litter infringements
- Noise complaints

### May News

The Monitoring and Compliance Team have recruited two new Monitoring Officers filling vacancies. The role of fixed term Resource Consent Monitoring role has been readvertised.

The Team have been collaborating with District Facilities, Strategic Policy & Planning (SPP) and Legal Services to create procedures for Reserve Act encroachments. They have also been workshoping with SPP about new Bylaws and the District Plan.

Preparations have begun for the WoF and Vehicle Registration trial which will commence on 1 July 2021. Parking Infringement statistics have been added to this report for context of Parking Warden activity pre-trial commencing.

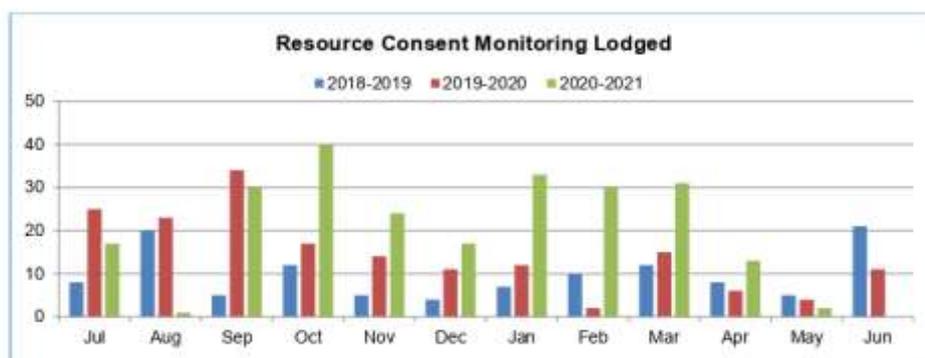
Monitoring Officers have been receiving queries while in the field about the Draft Significant Natural Area (SNA) maps.

### Noise Complaints

Noise complaints have decreased in May with only 89 noise complaint RFS received in May 2021, a decrease of nearly 40 complaints, which is expected during the winter months. Response times were 78.5% met for urban areas and 60% met in rural areas against a KPI target of 95%. The ability for the contractor to source Police assistance for some properties is impacting on response time performance.

### Resource Consent Monitoring

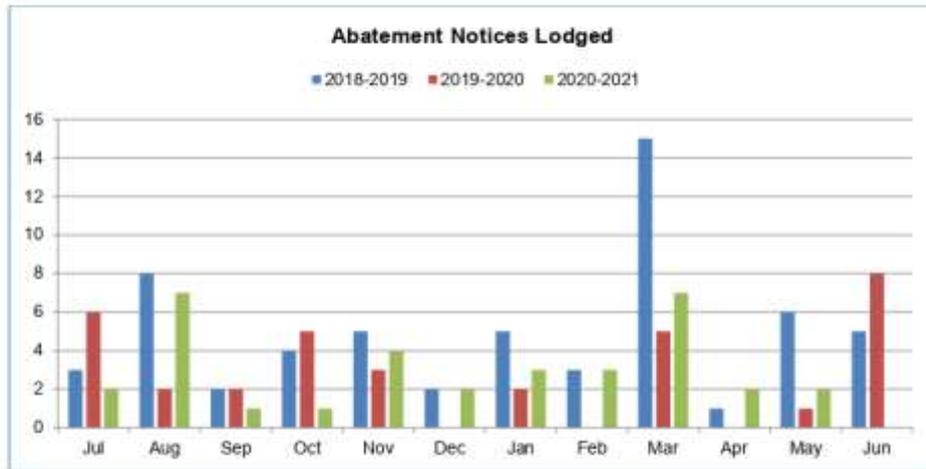
If a resource consent (RC) is issued with conditions, it becomes the responsibility of the Resource Consent Monitors (RCM's) to ensure those conditions are met in a timely manner. The RCM's are notified of decisions by the planners and lodge the new RC in Pathway as an 'MRC' application. The graph below shows a decline in monitoring activity since April 2020 for the 2020/2021 year. This is due to the Resource Consent Monitoring Officer vacancy. The number of MRC's is expected to rise in July as a backlog of resource consents commence monitoring.



### Abatement Notices

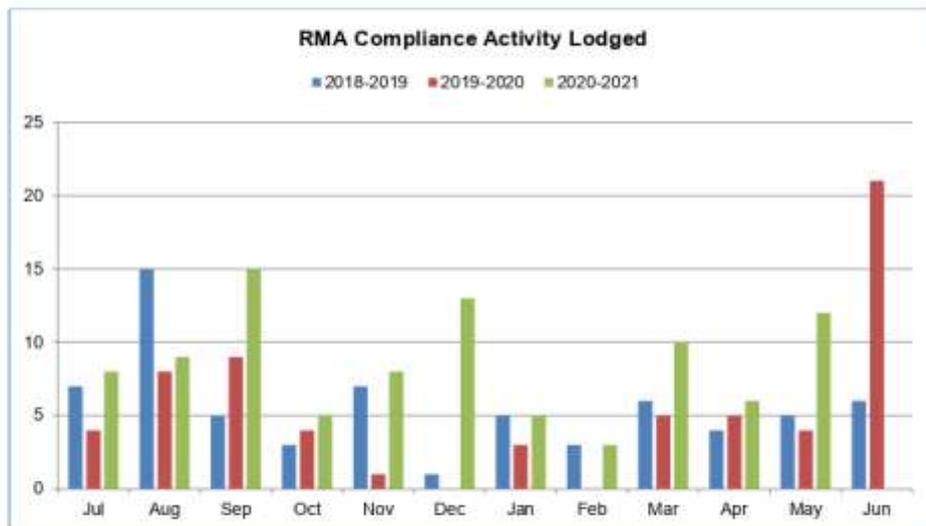
The RMA allows a warranted monitoring officer to issue an abatement notice to direct an offender to do something or cease something that is causing a breach of the RMA. Usually this means ceasing a breach of a rule in the District Plan. Abatement notices can also be issued for failing to comply with a condition in a resource consent.

Abatement notices are issued with a specific date by which the offender must comply. If an offender has not complied with an abatement notice and is not showing a willingness to cooperate with council an environmental infringement notice (EIN) of \$750 can be issued.



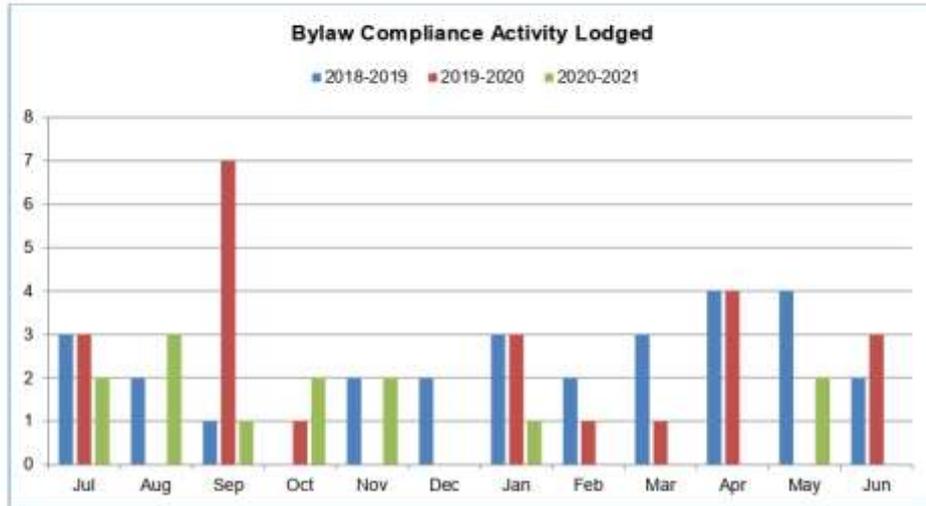
### Compliance

Although the Monitoring team's policy is to promote voluntary compliance with the District Plan there comes a point in an investigation where it becomes necessary to escalate the enforcement process. The graph below shows the compliance activity for the last two financial years and up until May this year.



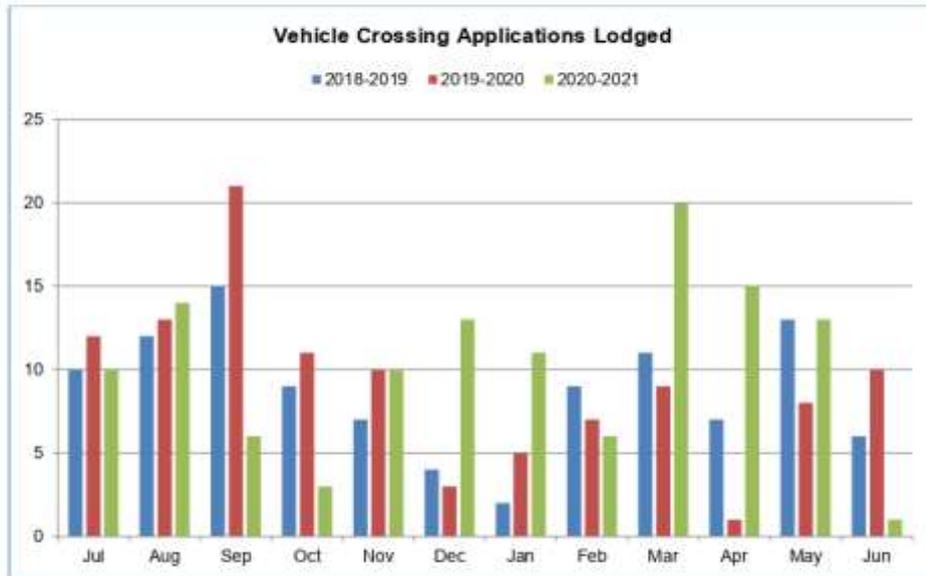
### Bylaw Compliance Activity

The Monitoring team is also responsible for investigating incidences reported to them of non-compliance with the Far North District Council's Bylaw's. The following graph shows 2 incidences for May 2021. Bylaw Compliance activity has reduced since several Bylaws lapsed and are not able to be enforced.

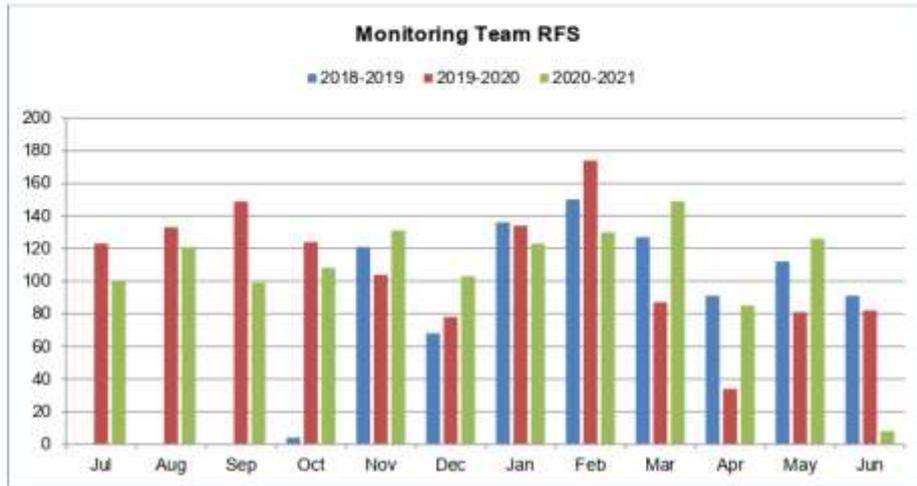


### Vehicle Crossing Applications

The Monitoring team has contracted out the management of Vehicle Crossing Applications. The following graph shows the number of applications received in May 2021 is similar to May 18/19.



**Monitoring Team RFS Responses**



**Parking Infringements Issued**

In July 2021 Council will commence a trial of enforcing Registration and WoF compliance. The chart below provides a pre-trial baseline of Parking Warden activity.



## Animal Management

### Introduction

Animals, in particular livestock and dogs, play a significant role in the far north lifestyle. Council understands the economic and social benefits of animals, but Council has a duty to contribute to the safety of our communities and the welfare of those animals. The goal of the animal management team is to reduce the risk of potential negative impacts by encouraging responsible dog ownership and working with farmers to minimise wandering stock.

### RFS Responses

Code	KPI Target	Achieved
Urgent RFS (AMU)	≥92%	87.8%
Non-urgent RFS (AMN)	≥92%	97.9%

### RFS Responses

The month of May saw a total of 362 RFS's for Animal Management of which 32 were dog attack or aggressive dog reports.

### Registration Follow Ups

During the month of May 38 NTR's (Notices to Register) and 43 Infringement Notices were issued.

An NTR is issued to a dog owner as a prompt to get their dog registered. The officers may give the dog owner a period to meet this requirement, however if the dog remains unregistered an Infringement Notice is issued. The infringement fee is \$300, however if registration is paid within a specified timeframe, then the Infringement will be waived. Unfortunately, continued non-compliance results in the Infringements being forwarded to the Courts and potential seizure of the dog.

### Impounded Dogs

38 dogs were impounded in May resulting in 16 being claimed by the owners, 5 being resituated with Rescue Groups and 7 being adopted out to new homes.

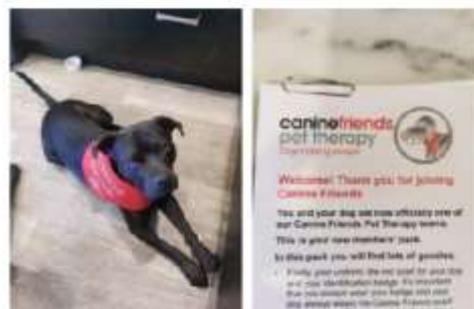
### Dog Adoptions

7 dogs were successfully adopted to new homes.

- 2 to Auckland
- 1 to Whangarei
- 4 within the FNDC district

Here is a good news adoption story:

One of our dogs was adopted out in January 21. She was named 'Sora' and recently Sora's new owners contacted us to say that the dog has passed her training as a Rest Home rehabilitation dog and has received her uniform. She will go to her first Rest Home in the next couple of weeks.



### Animal Shelters

The Northern Animal Shelter is still on track to be operational and receive dogs from July 2021. Once operational, the temporary dog pound in Horeke will be decommissioned.



## Environmental Health Services

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### Introduction

The safety and well-being of our communities, visitors and our environment is one of the primary functions and responsibilities of Council. We are accountable to our communities and have several obligations under primary legislation. The Environmental Health Services team are responsible for the administration and enforcement of these obligations.

The Environmental Health Services (EHS) team is responsible for:

- Food business registrations and health licensing
- Providing food verification services
- Inspections of licensed premises
- Investigating health nuisances
- Carrying out host responsibility inspections of licensed premises and
- Processing alcohol applications

### Levels of Service

Level of service 8.2.1. Food Control Plan and National Programme audits completed as scheduled.

The level of service for environmental health was amended to better express our commitment to the community. We have adjusted the target for food control plan audits across the 10 years of the LTP to transition from relatively poor results to the desired level by 2021.

Target: 95% This Month: 93.3% Last Month: 90.9% Last Year: 93%

During May 2021, 30 verifications were scheduled. Of these scheduled verifications 28 were completed. The verifications (2) that were not completed were due to the operator cancelling for reasons such as illness or unavailable.

Level of service 8.4.1. All licensed premises are visited for Host Responsibility inspections at least once every four years.

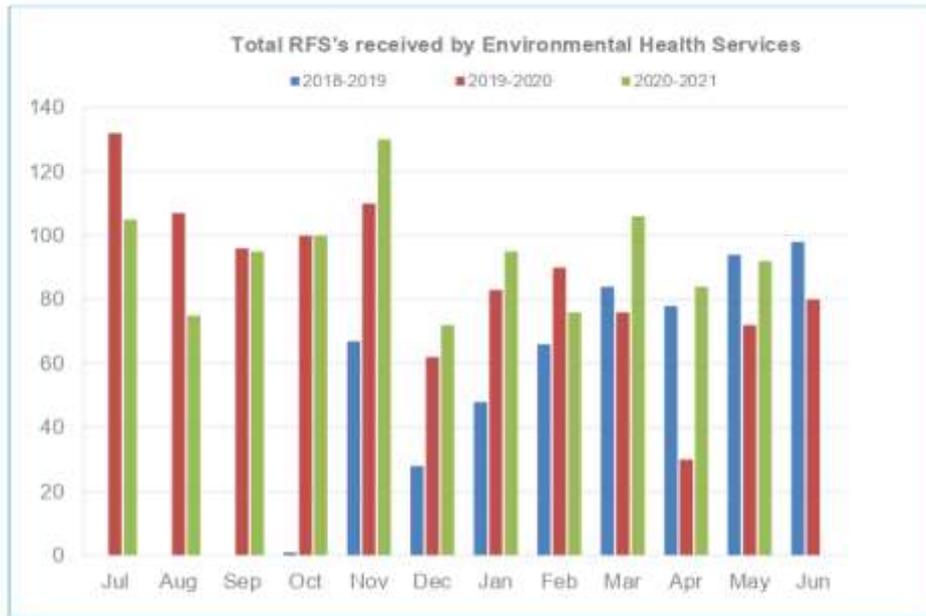
Target: 25% This Month: 94.16% Last Month: 77% Last Year: 22.8%

At present the team are tracking well in terms of the number of visits to licensed premises. At present there are 257 licensed premises in the Far North district. The team have visited a total of 242 of the licensed premises from July 2020 – May 2021. Currently we are tracking at 94.16% of licensed premises visited so far, our overall annual level of service target is 25%.

During May 2021, 42 visits were completed by the EHS team.

The team are confident that they will visit all of the licensed premises in our District before 30 June 2021, this has never been achieved. For the remainder of this reporting year there is a total of 15 licensed premises left to visit.

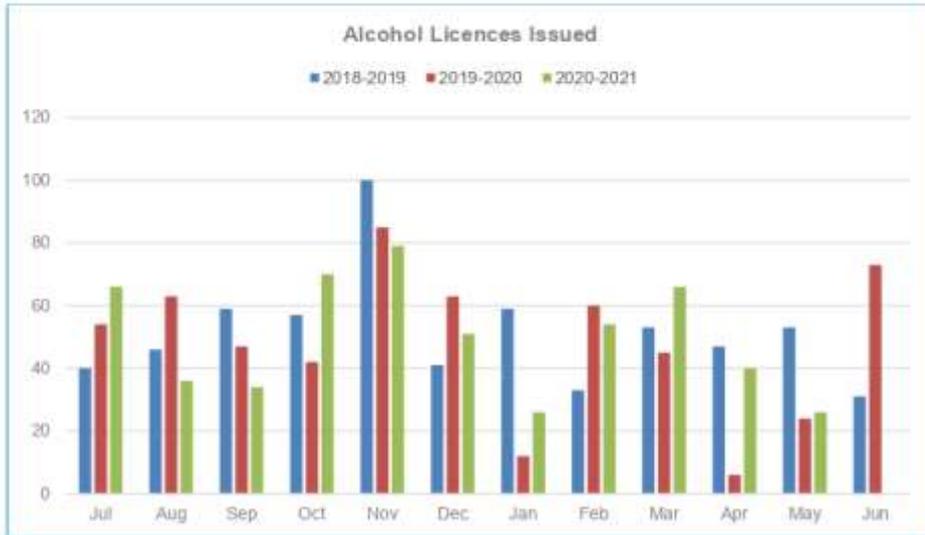
**Requests for Service**



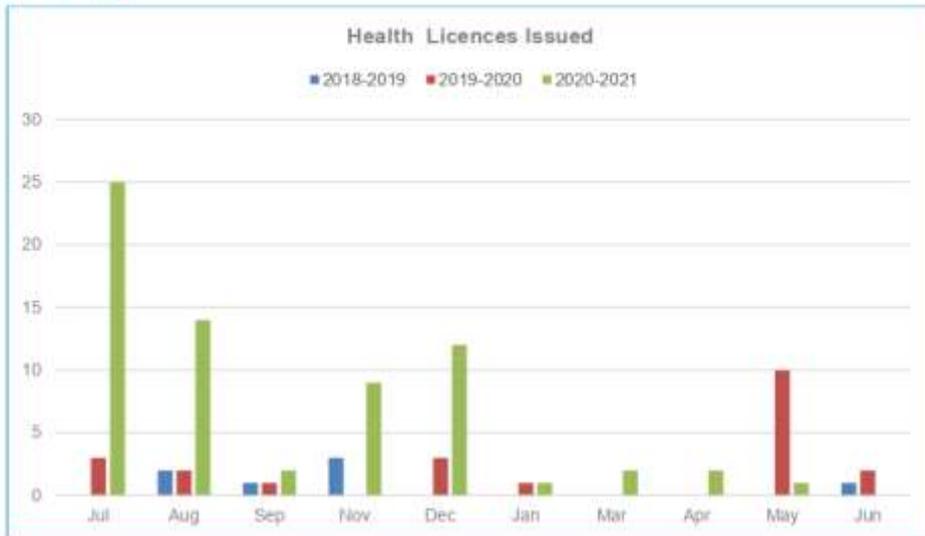
**Food Registrations Issued**



**Alcohol Licences Issued**



**Health licensing**



## 5.2 SIGNIFICANT FLORA AND FAUNA ASSESSMENT

**File Number:** A3267393

**Author:** Rochelle Deane, Manager - Environmental Services

**Authoriser:** Dean Myburgh, General Manager - District Services

### TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to provide information on how various consent decisions are made in relation to Significant Flora and Fauna in the Far North District, primarily when associated with subdivisions.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Recent Significant Natural Area (SNA) mapping released by the councils Strategic Planning and Policy team has generated interest in conservation covenants, subdivision involving SNA's, subdivisions and pet restrictions, kiwi mapping and its influence of resource consents and the District Plan (Operative and draft proposed version).

There are several considerations that need to be taken into account when processing land use and subdivision activity applications when making a decision on whether there may be an effect on the indigenous flora and fauna.

A consent and any conditions issued by the Resource Consents team needs to be consistent with all relevant documentation under the RMA, and this is reflected in the decisions that are issued.

### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report Significant Flora and Fauna Assessment.**

### TĀHUHU KŌRERO / BACKGROUND

The Resource Management Act 1991 (RMA) provides a mandate and requires Regional Authorities such as Northland Regional Council (NRC) to create a Regional Policy Statement (RPS) which identifies how sustainable management of the region is to be achieved, while Territorial Authorities such as Far North District Council (FNDC) are required to create plans identified as District Plans to carry out their functions under the RMA. The District Plan relates to the control and regulation of activities that have effects on the environment. The District plan must reflect the principles under the RPS. The current FNDC Operative District Plan was made operative and effective in 2009.

There are two types of consents that are considered under the District Plan for assessment, these being land use and subdivision activities. Land use consents are associated with the regulation of effects from an activity being carried out on a site, such as building a house. Subdivision consents are the process through which new property rights are created under the RMA. Both types of consents are subject to two chapters within the District Plan when making a decision on whether there may be an effect on the indigenous flora and fauna.

The consents process is a process that is subject to not only the District Plan but to the Regional Policy Statement, any National Policy Statement, any National Environmental Standard and lastly Part II of the RMA for sustainable management.

### MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

#### Resource Consents - Land use

Chapter 12.2 of the District Plan (see attachment A) – Indigenous Flora and Fauna, identifies several environments within the district that are significant on a local, regional and national scale. The territorial authority (FNDC) must protect and maintain indigenous biodiversity from declining due to various issues such as vegetation clearance, fragmentation and loss of fauna impacting the environments as identified under the RMA.

Objectives to protect, maintain and enhance our indigenous biodiversity were created, with policies to support the objectives and rules that assist in identifying the effects on the indigenous biodiversity that require consideration. Policies 12.2.4.10 and 12.2.4.11 along with Method of Implementation 12.2.5.7 provide for controls on the keeping of cats and dog in kiwi habitat areas.

Where an activity is proposed on a site, such as building a house, the activity may breach a rule within Chapter 12.2, in which case a resource consent is required for the breach. The resource consents team review the proposal and assess the activity to determine the level of effects associated with the activity. Where an effect is identified as being adverse, the effect/s are to be avoided, remedied or mitigated.

Conditions based on those effects are imposed on decisions where the activity is sustainably managed, in the case of indigenous flora and fauna these conditions may relate to the restriction of cats, dogs and other pest species, where they may adversely affect native fauna but predominately relate to the protection, preservation and/or enhancement of vegetation.

All consents are required to have an adverse effect identified for a condition to be imposed. A consent cannot have conditions imposed where there is no effect.

Cats and dogs are the two species most regularly discussed for restriction as Rule 12.2.6.4.1 – Pest Species prohibits any pest listed within the rule to be introduced, kept, farmed, or bred other than for the purposes of controlling or eradicating the species.

### **Resource Consents - Subdivision**

Subdivision proposals are subject to Chapter 13 – Subdivision, within which Chapter 12.2 - Indigenous Flora and Fauna is referenced when a subdivision has significant vegetation or significant fauna on the site that is being considered for subdivision.

The continued preservation of the indigenous flora or fauna is required for the approval of a subdivision consent. This is achieved by protecting the vegetation on-site as well as in certain cases restricting cat and/or dogs on the site. Where cat and dog restrictions are imposed, they have been considered due to an effect a dog or cat could have on the significant fauna that would be found on that site or in proximity to the site.

For example, a proposal to create a new lot adjacent to a coastal reserve, which has been identified as a habitat where Dotterel are located on. Introduction of cats and dogs in proximity to the Dotterel would be considered adverse, therefore a restriction on cats may be imposed as they are one of the most known common predator species of the dotterel, while dog control conditions may be required to ensure dogs introduced to the area are kept away from the Dotterel, by way of physical barriers and limitation on the number of dogs kept on the site.

### **Significant Flora and Fauna Assessment for the current Operational District Plan**

#### **Kiwi Mapping**

Kiwi mapping is carried out by the Department of Conservation (DOC), through the kiwi listening programme which began in 1996. Every year kiwi calls are monitored across the district and the data is collated by DOC into a map system identifying areas by kiwi abundance. The maps are reviewed every five years and updated if required, this process and further information on it can be found on the DOC website. See attachment B, Bay of Islands Kiwi Distribution Map.

The maps identify two types of density, these being kiwi high and kiwi present, areas not identified as either data deficient areas where either kiwi may not be present or there is insufficient information received through the monitoring programme to influence the mapping.

Kiwi high areas are areas where more than five calls per hours are heard, and these number must remain steady or increase over the five-year period to be mapped as kiwi high. Kiwi present areas are where an average of less than five calls per hour are heard. The maps are available through the DOC system and Council's mapping system (Far north Maps) for review.

### **Significant Flora and Fauna Practice Note for the Operational District Plan**

The Resource Consents team utilise the kiwi map along with other maps and tools such as the "mudfish layer", Protected Natural Areas (identified by DOC ) overlay, land care group comments and ecological reports to assist in the assessment of consents and the conditions of consent decision. To ensure consistency within the department, a practice note was developed which gives guidelines on when conditions relating to cat and dogs should be applied for the purposes of protecting the Northland Brown Kiwi and other indigenous flora and fauna. Refer attachment C, FNDC Practice Note for Significant Indigenous Flora and Fauna.

Standardisation of a practice note has been discussed however the consent process is subject to change due to the policy direction as well as case law, and the individual matters of each consent assessed. The practice note is an internal document for guidance only, each application received by the team is assessed independently on a case by case basis. The practice note is there to ensure that staff are consistent in their methods and wording of conditions and is not utilised as a broad-brush mechanism to restrict cats and dogs within the district.

The current practice note does not refer to the National Policy Statement for Indigenous Biodiversity as it is currently only a draft with no statutory weight in the determination of a resource consent and its conditions.

### **Conservation Covenants**

Conservation covenants are voluntarily offered by landowners for the purpose of protection of outstanding landscapes, cultural, heritage or ecological purposes. Ecological areas are protected under section 77 of the Reserves Act 1977 and are created between the landowner and Far North District Council. The covenant is registered on the landowner's Title in perpetuity.

The landowner is responsible for the management of the protected area as agreed upon within the covenant, assistance from an ecological expert is provided and rates relief/remission or postponement can be offered. Rates remission is in perpetuity, while rates postponement is for a minimum period of 10 years and where the agreement is discontinued the rates may be subject to repayment.

Conservation covenants will include conditions such as stock restrictions, indigenous vegetation clearance restrictions, exotic vegetation removal requirement and restriction of exotic animals such as ferrets, dogs and cats. It is important to note the pet restriction relates specifically to the covenanted area only.

### **Consent Notice Conditions**

These are conditions imposed on subdivision consents where the requirements are ongoing such as the protection of bush areas or wetlands. They are generally imposed where the land being subdivided contains areas of significant indigenous habitat or vegetation. They are also utilised for imposing cat and dog restrictions in kiwi habitat areas and site development conditions. They are registered on the property title and are a form of covenant but are not eligible for rates relief.

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

This report has no financial implications or budgetary provisions

**ĀPITIHINGA / ATTACHMENTS**

1. **Attachment A 12-natural-and-physical-resources-full-chapter-for-oc - A3271638** [↓](#) 
2. **Attachment C FNDC Practice Note for Significant Indigenous Flora and Fauna (002) - A3271637** [↓](#) 
3. **Attachment B Kiwi Distribution Map - A3273338** [↓](#) 

**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.

<b>Compliance requirement</b>	<b>Staff assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low Significance – this matter does not meet the criteria/threshold for a matter of significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Resource Management Act 1991 FNDC District Plan LTP Community Outcomes: <ul style="list-style-type: none"> <li>• Communities that are healthy, safe, connected and sustainable.</li> <li>• Prosperous communities supported by a sustainable economy</li> <li>• A wisely managed and treasured environment that recognises the special role of tangata whenua as kaitiaki</li> </ul>
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District Wide Significance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No specific implications
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	FNDC Community Ministry for the Environment Department of Conservation
State the financial implications and where budgetary provisions have been made to support this decision.	No Financial Implications
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

# Bay of Islands kiwi distribution map – support document



## 1. Background

Northland Brown Kiwi (NBK) is one of four distinct Brown Kiwi taxa in New Zealand. The current distribution of NBK extends from Whakaangi in the north to the translocated population at Tawharanui Open Sanctuary in the south. NBK are present on some offshore islands but they are all but extinct from southern Northland. BirdLife International (2018) considers that the IUCN (International Union for Conservation of Nature) Red List category for Brown Kiwi is “Vulnerable” with a decreasing population trend considered to be facing a high risk of extinction in the wild (H. Robertson, *personal communication*, September 24, 2018).

Current threats to NBK are habitat loss and predation by introduced mammals, especially dogs, ferrets, stoats and cats. Dogs and ferrets are of concern as they are known to kill adults. The loss of any adults greatly reduces population recruitment in long-lived species like kiwi. In Northland, they are also vulnerable to vehicle strikes, capture in possum traps set on the ground, falling into water troughs.

Dogs are identified in the Kiwi Recovery Plan 2018-2028 (Germano et al., 2018) as the greatest threat to adult kiwi in areas where kiwi habitat overlaps with or is close to human populations. Any dog can kill a kiwi, even small dogs or soft-mouthed dogs. The reason for this is that kiwi lack wings, feathers and muscle in the critical area which means that the chest of a kiwi is easily crushed in a dog’s mouth. Even if a dog mouths a kiwi over its back, this can crush its vital organs causing internal bleeding. This issue is most pronounced in Northland, where dog kills are the main cause for the average kiwi life expectancy of 14 years compared with life expectancy of 30-40 years elsewhere in the North Island.

Northland is considered to be a stronghold for Brown Kiwi thanks to the widespread community efforts doing predator control. These include collaborative projects involving landowners, DOC, Northland Regional Council, landcare groups, iwi and forestry companies (appendix 6 map 3). Often adjoining landowners have combined their protection efforts to maximise benefits to kiwi, with some large projects forming charitable trusts or incorporated societies. Currently, most managed kiwi populations, where predator control is in place are growing at rates of 2% per annum or higher. However, the majority of kiwi remain unmanaged and are still in decline. The Kiwi Recovery Plan’s goals for the long-term recovery of all kiwi species are:

- Grow kiwi populations by at least 2% per year;
- Restore their former distribution and;
- Maintain genetic diversity.

DOC's role is to advocate for the protection of kiwi, through the implementation of the Kiwi Recovery Plan. The kiwi distribution maps are one of the tools used to meet Objective 14.1 of the Kiwi Recovery Plan 'to minimise the threats to kiwi and their habitat in area where kiwi habitat and human population overlap' by including statutory protection of kiwi and their habitat in district plans.

The purpose of this document is to describe how the distribution maps are drawn to assist Far North District Council policy and planning staff to identify when kiwi protection needs to be considered when processing resource consents. This an internal document to be used only by District Council staff.

## **2. Threats to kiwi**

### **2.1 Dogs**

A number of studies in Northland have shown that predation of adult kiwi by dogs has been one of the key factors affecting Brown Kiwi populations. Dogs of all sizes, breeds and training are attracted to the smell of kiwi. The predation events observed with dogs do not fit with traditional predator-prey models because dogs can roam long distances and kill far more prey than is needed to sustain them. Kiwi are particularly vulnerable near clusters of human settlements and their pets where dog-kills can occur during the day as well as at night, the former mainly of birds sheltering beneath dense vegetation e.g. along the edges of roads and tracks (Pierce et al., 1996).

The most dramatic example of the potential scale of destruction by dogs comes from Waitangi Forest in the Bay of Islands, where a single dog is believed to have killed about 500 kiwi over a six-week period in 1987 (Taborsky, 1988). This was not an isolated incident. Of 194 reported kiwi deaths in Northland between 1990 and 1995, dogs were responsible for 135 (70%) of them (Pierce & Sporle, 1997). A study in central Northland from 1994 to 2008 recorded dogs being responsible for 22 (50%) of the 44 adult deaths of known cause (Robertson et al. 2011). Dogs were also the leading cause of death of subadult kiwi (37% of the deaths from a known cause). There is also recent evidence showing that dogs have a significant impact on kiwi locally. In 2015, two dogs hunting together killed at least 8 kiwi over a few months period. More recently, 6 kiwi killed by dogs were found at a Purerua Peninsula site in the Bay of Islands area.

### **2.2 Cats**

Kiwi chicks suffer exceptionally high mortality rates in unmanaged sites, especially in the first 100 days of life. Chicks forage independently and have no behaviours or defences against predators (McLennan et al., 1996). Cats will roam up to 20km from home and they hunt at night when kiwi are active. In unmanaged sites in central Northland, 94% of chicks failed to reach adulthood due mainly to stoat predation, followed by cat predation (Robertson et al, 2011). On Ponui Island in the Auckland District, where cats are the only predators 29% of kiwi chicks died in one year from cat predation (Wilson 2014) but analysis of the cat scats suggest that cat might kill up to 34% of the chicks. Also at least two adult kiwi were confirmed killed by cats (I. Castro, *personal communication*, September 24, 2018).

### 3. Bay of Islands kiwi distribution maps

#### 3.1 Key to the maps

The maps were first drawn in 1996 to identify priority management areas for kiwi recovery. The maps later became a useful tool to advocate for long term kiwi recovery, by identifying areas of high kiwi density, where statutory provisions can be used to manage the threats of dogs and cats. The maps are reviewed every 5 years. The current distribution map is attached as map 1 in appendix 4.

The maps identify areas of high kiwi density and kiwi present areas based on annual kiwi call monitoring which has been the accepted methodology to determine kiwi presence, abundance and distribution since 1993. At first the demarcation between “high” and “kiwi present” was an average of 7 kiwi calls per hour but it was later decided by the Kiwi Recovery Group (a national committee of DOC and external kiwi experts) to lower it to 5 kiwi calls per hour because it seemed to better capture the range of kiwi calls throughout Northland where there are high densities on the East coast but lower numbers on the West Coast and Far North (*J. Scrimgeour, personal communication, May 2018*).

#### – High Density Kiwi Areas (average of 5 calls per hour or more)

Since 1998 DOC has advocated for ‘no cats and dogs’ consent conditions to proposed land intensification as a way to manage the number of dogs and cats, therefore the threat to kiwi, in high kiwi density areas.

#### – Kiwi Present Areas (average of less than 5 calls per hour)

DOC does not advocate for ‘no dogs and cats’ consent conditions in identified ‘kiwi present’ areas, however landowners are encouraged to minimise the potential risk their cats and dogs may pose to kiwi by being responsible pet owners.

#### – Buffer Zone

The ‘buffer zone’ category has been introduced upon discussion with the Council Planning Team to mitigate the challenge of advocating for pet restrictions when land intensification is proposed in sites abutting ‘high kiwi density’ areas or that fall across the boundaries between high and present kiwi density. If the application falls within

- 1 km from a high kiwi density boundary;
- And/or there is predator control in place;
- And/or there is contiguous kiwi habitat (e.g. bush or a watercourse with riparian margins) allowing kiwi to easily move across the landscape out of the high kiwi density area into the buffer zone;
- And/or there is contiguous kiwi habitat forming a corridor through the buffer zone between high kiwi density areas;
- And/or there is a listening station in the buffer zone with an average of 5 or more kiwi calls per hours over the previous 5 years;

If one or more of these criteria are met, DOC will consider cat and dog restrictions.

– **Data deficient (not enough information to determine kiwi presence or absence)**

Reports of kiwi heard or seen in areas where they were not thought to be present, are fast becoming more common thanks to better communications and awareness within communities and active predator control helping kiwi to breed successfully. It is not possible to state with certainty that kiwi are not present outside the identified areas as they are nocturnal and not all birds call, they also may have such low numbers in that particular area it is difficult to detect their presence. Therefore, areas marked as kiwi absent should be interpreted as 'data deficient', meaning there is not enough information to determine whether kiwi are presence or absent due to lack of exhaustive kiwi survey.

### **3.2 Creating kiwi distribution maps**

Despite the comprehensive data provided by the annual call counts carried out at multiple listening sites in Northland (map 2, appendix 5), populations are dynamic with juvenile kiwi moving to find suitable territories and the boundaries of the different density areas are never going to be exact. Distribution maps are at times challenged. This is often the case around the high kiwi density areas boundaries and sites that are not in the immediate vicinity of listening stations or perceived to have unsuitable habitat for kiwi. However, it is important to note that kiwi will live almost anywhere – they don't need pristine native forest, and are also found in scrub, exotic plantation forests, rough farmland and sand dunes, even mangroves. They especially like places with wetland vegetation, and where trees run down to river edges and they will easily travel to find suitable habitats.

#### **3.2.1 The kiwi call count methodology**

Since 1993, the kiwi call count has been taking place annually. Northland was originally divided into four geographic areas, each with 6 permanent stations:

- Northern: Herekino-Raetia-Puketia area;
- Eastern: forest remnants and extensive exotic forestry in the Bay of Islands;
- Western: Waipoua-Trounson-Kaitui forests area;
- Southern: within 30km of Whangarei.

Over the years, many listening stations have been added, predominantly in areas where community groups are working to protect kiwi. At the 2017 kiwi listening period, counts took place at 24 permanent stations in the Eastern cluster with an average of 16.7 calls per hour. Over the years there have been many natural fluctuations but overall there has been upwards trend in number of calls heard with returning results consistently the highest for Northland (Craig, 2017). However, the mean call rate per hour in the Western cluster has dropped from 20 in 1995 to 6 in 2017 while the call count results for the Southern and Northern clusters have been more or less steady. This highlights the importance of maintaining, and increasing where possible, the protection effort to achieve the long-term recovery goal. High kiwi call rates don't necessarily indicate a low risk of a population crash, as call rates can decline rapidly. For example at Katui, near Trounson Kauri Park, call rates dropped from 40 per hour to zero just in a few years (H. Robertson, *personal communication*, September 24, 2018).

The kiwi call count method detects relative rather than absolute abundance of kiwi thus it is not possible to predict the actual number of kiwi present. Although there is a good correlation between call rates and kiwi density in high kiwi density, the relationship is weaker at low densities. The correlation between call rates and number of kiwi present can change due to population density, the age structure (young kiwi don't call) and relationship status (newly paired kiwi call more frequently than well-established pairs).

Kiwi call primarily to maintain territories but also to maintain the pair bond. Not all kiwi call as frequently or loudly as each other. Most birds call occasionally but very loudly, birds can be heard calling up to 2km away in ideal listening conditions. Males are heard approximately 3 times more often than females, likely due to a combination of them calling more often and their whistle-like calls carrying further than the lower pitched calls of females. Juveniles don't generally start calling till 18-24 months old. Pairs and breeding kiwi often duet, with birds responding to their partner's call by calling shortly afterwards.

Kiwi call all year around, but the peak in calling usually coincides with mating and the start of each incubation period (April-June in Northland) (Robertson & Colbourne, 2017). Thus, the annual call count is done at the same time of the year to take advantage of the optimum conditions for kiwi calling during the darker moon phases as there is evidence of kiwi calling frequently on moonlit nights at some sites.

Listening is for two consecutive hours on 4 different nights (not necessarily in a row as listening should not take place on rainy or windy nights) and starts no earlier than 30 minutes after sunset when kiwi start to emerge from their burrows. Peak calling usually occur in the first half of the night for both sexes. They continue to call sporadically until sunrise when they return to their burrows to sleep (Coulbourne & Digby, 2016).

### **3.3 Determining high kiwi density and kiwi present zones**

The challenge of drawing density maps is that listening stations give calls count at the specific sites, but a number of factors, which affect the feasibility and sustainability of local population recovery, must be considered when drawing the density areas:

#### **1. Proximity to listening sites with known high kiwi density**

Adult brown kiwi in Northland occupy permanent home ranges that are shared by a number of birds and they will remain in an area for as long as suitable habitat is retained. Young kiwi can disperse up to 20km away from their natal site looking for a new territory. The Kiwi Recovery Group's advice is that it would be acceptable to draw a high density area of approx. 10km radius around a listening station known to have high number of calls.

#### **2. Habitat type**

The preferred habitat are damp gullies in both native and exotic forest and dense shrubland but with increasing predator control and increasing number of birds, kiwi are dispersing throughout the landscape and adapting well to modified habitat and they are also common in wetlands, gorse-dominant shrub and rough pasture.

### 3. Kiwi corridors

Local corridors are important within a population clusters because interconnected forest remnants are needed to ensure that kiwi can find new territories and partners. An example is Waimate North Landcare management area which has numerous discrete forest remnants with varying levels of connectivity. Long distance corridors are desirable between populations to enable maintenance of gene flow across a region. Potential corridors in the Eastern cluster are Hupara, Waimate North, Kerikeri peninsula, Purerua peninsula, Puketi and Puketotara Landcare management areas.

### 4. Pest control

Ongoing pest control to keep number of cats and stoats down to allow for chicks' recruitment is important for kiwi population recovery. Predator control over a large area (ideally larger than 1000ha) is ideal as it can ultimately support several hundred pairs of kiwi.

### 5. Tangata whenua and/or community group led predator control project and promoting responsible pets ownership

Long term commitment from local landowners and tangata whenua to control pests and advocate for responsible dog and cat ownership is important for the long-term survival of local kiwi populations.

### 6. Population trends

The number of kiwi calls naturally fluctuates each year due to natural events or management. Annual call count has to take place for at least for 5 years, preferably 10 years or more to track long-term changes, or trends.

### 7. Acoustic Listening Devices (ALD)

Acoustic devices' recordings have been used to supplement listening results at sites where it is not practical having human listeners. ALDs are deployed in the field for five nights of fine weather for 6 hours each night. Recordings from these devices have been proved to reliably detect kiwi in Northland when they are present. The average number of calls per hours (calculated over 30hrs of recording) is very similar to the average recorded by human ears (based on 8hr listening) (Peter Graham, NRC, personal communication, April 2018). ALDs results used to inform the review of the kiwi distribution maps had been collected in 2016 during a Kiwi Coast Listening Blitz (Sachtleben & Tyson, 2016) and DOC Pewhairangi over the last two years. Refer to Appendix 2 for a full list of sites.

## 4. Conclusions and recommendations

The kiwi distribution maps are only one of the many tools and strategies used by the Department to achieve the long-term recovery of kiwi by way of managing the threat of dogs and cats to kiwi. While the average call count at specific sites is the key to maps, several factors are considered when drawing the maps. The more favourable factors are found at a site, such as large community-led predator control with high kiwi call count for at least 5 years, connected by corridors to other project areas, the

more important is to advocate kiwi protection through statutory protection. Some important points to acknowledge when using the maps:

- Exhaustive kiwi surveys have not been undertaken over all of Northland;
- There will be kiwi in varying densities outside the high kiwi density areas;
- Kiwi populations are dynamic as kiwi will disperse therefore the area boundaries are only indicative.

Appendix 1 give some methods that can be used to collect additional data in cases of dispute over the boundary lines, or area of high density, or to find kiwi in areas where there is no previous information or there is believed to be a small kiwi population.

#### **4.1 Department of Conservation's Recommendations to the Far North District Council**

In case of resource consent application for land intensification within a high kiwi density area or meets all the criteria within a buffer zone the recommended restrictions are:

##### General

No occupier of, or visitor to the site, shall keep or introduce cats, dogs and mustelids

##### Working dog

In situations where the site is part of a working farm and working dogs are kept on site, provisions:

maximum of two working farm dogs used for farm management are permitted;

- They are working dogs as per the Dog Control Act 1996
- Any working dog must be micro-chipped and have a current kiwi aversion training certificate
- Any working dog must within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area
- At night any working dog must be kept in a kennel or tied up from dusk to dawn

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide the Monitoring Manager of the Far North District Council the following:

- a photograph of the cat or dog;
- written confirmation that the cat or dog has been microchipped;
- for any dog written confirmation that the dog has current kiwi aversion training certification;
- for any dog a plan showing the extent to the dog proof fenced area.

##### Grandfathering clause:

In case of subdivision when the existing owner remains on site and has existing cats and/or dogs, the following conditions may be applied:

No carnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators shall be introduced or kept on this lot; except the one existing cat/or dog on the lot for their natural life.

- Any dog must:
  - be micro-chipped and have a current kiwi aversion training certificate;
  - be kept within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area;
  - must be kept in a kennel or tied up from dusk to dawn;

Any cat must be neutered, microchipped and kept inside at night.

The occupier must provide proof to the Monitoring Manager of the Far North District Council the following:

- a photograph of the cat or dog
- written confirmation that the cat or dog has been microchipped
- for any dog written confirmation that the dog has current kiwi aversion training certification
- for any dog a plan showing the extent to the dog proof fenced area
- report annually if the pet is still alive

In case of resource consent application for land intensification within a buffer zone when one or more criteria (as defined in section 3.1) the recommended restrictions are:

#### General

Any occupier of, or visitor to the site, shall keep only one dog and no cats

#### Working dog

In situations where the site is part of a working farm and working dogs are kept on site, provisions:

maximum of two working farm dogs used for farm management are permitted provided;

- They are working dogs as per the Dog Control Act 1996
- Any working dog must be micro-chipped and have a current kiwi aversion training certificate
- Any working dog must within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area
- At night any working dog must be kept in a kennel or tied up from dusk to dawn

Prior to the introduction or keeping of any dog on either lot, the occupier must provide the Monitoring Manager of the Far North District Council the following:

- a photograph of the dog;
- written confirmation that the dog has been microchipped;
- for any dog written confirmation that the dog has current kiwi aversion training certification;
- for any dog a plan showing the extent to the dog proof fenced area.

In case of resource consent application for land intensification within a kiwi present area, DOC does not advocate for 'no dogs and cats' consent conditions however landowners are encouraged to minimise the potential risk their cats and dogs may pose to kiwi by:

- Dog should be housed within a dog proof fence, and on a lead or under effective control at all times when outside the fenced area;
- At night any dog should be kept in a kennel or tied up from dusk to dawn;
- Consider kiwi aversion training for working or hunting dogs;
- Cats should be kept inside at night;
- Consider neuter or spray cats.

#### **4.2 A note on Kiwi avoidance training for dogs**

DOC, in partnership with Kiwis for kiwi, has developed an avian (bird) awareness and avoidance training programme for dogs and their owners. The programme is designed to educate owners of the dangers their dogs can be to ground-dwelling native birds, and to teach the dogs to avoid these birds. Following an educational talk, database descriptions of the dogs are recorded, along with contact details for their owners. Kiwi/bird aversion training helps reduce the number of kiwi and other native ground nesting birds being killed or disturbed by dogs. Hunters are encouraged to have their dogs undergo this aversion training, and it is a requirement in Northland to have a hunting permit.

How dogs are trained:

Dogs are fitted with electric collars and exposed to dead ground-dwelling native birds and faeces in a controlled situation. Whilst sniffing these, the dog is 'warned' with a small electric shock.

Most dogs quickly learn to avoid the birds following this experience. The owner is encouraged to reinforce this message when the dog shows interest in other birds, at home or out hunting. Following the training, certificates of attendance are issued.

Within a year of initial training, the dog is tested for its learned avoidance or, if required, the dog is retrained. This testing or training is required annually until the dog consistently demonstrates strong avoidance. When a dog achieves this standard, the dog is certified for periods longer than one year.

Avoidance training is not a guarantee that the dog is safe because not all dogs are trainable. In general, avian avoidance training works better on working/hunting dogs than pet dogs.

Avoidance training is not a silver bullet. Even after it has been trained, an uncontrolled or roaming dog may still attack kiwi, especially if it is not regularly re-trained. The best option is simply to keep dogs away from places where wild kiwi live. If it is unavoidable to take a dog into a kiwi area, it should always be under control. In many cases this means on a lead, regardless of whether it has been avoidance trained.

For more information: <https://www.doc.govt.nz/parks-and-recreation/know-before-you-go/dog-access/avian-awareness-and-avoidance-training/>

Endorsed by:

Shana Harding

Operations Manager (Acting)

Pewhairangi/Bay of Islands Office

20 December 2018

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#### **Appendix 1: Survey and monitoring methodologies**

These methodologies can be used to supplement information collected through the annual kiwi listening to determine the presence and distribution of kiwi over wide areas. The list includes using acoustic recorders which is used by DOC to inform the kiwi distribution maps.

##### 1) Surveys and monitoring using acoustic recorders

Acoustic devices record sound in a digital format onto removable SD memory cards. These recordings are then downloaded onto a computer and with an appropriate software the sounds can be displayed as pictures. The key advantage is that data can be collected over large number of hours and areas than what a human listener could reasonably do. The devices can perform as well as humans, but it relies on there being a standard protocol for deploying the devices that ensure are at their optimal e.g. use more devices and leave them in the field for a longer period. Devices are a useful tool to determine presence or absence of kiwi at sites where their presence is uncertain. Longer period of listening allows birds that have a very large home range (sometimes >100ha) time to randomly walk into and call within range of the device. They can be also used at remote site with difficult access.

##### 2) Trail cameras

Video cameras have been used in kiwi research projects for over 30 years. Modern cameras function day and night and detect kiwi-sized birds.

Cameras can be used to determine the presence of kiwi in an area especially if set up near an automated call broadcast system that can attract kiwi to a site, or if placed on favoured pathways such a small footbridge or gaps in a fence line.

**Appendix 2: Listening site locations and average kiwi calls per hour**

The table below lists all the kiwi listening stations, mended by human listeners, used to inform the distribution maps.

Date refers to when listening started at any given station. Stations that were listened only once, have the year when that monitoring took place. The listening staion numbers match the station numbers in map 2.

\*National call count site

Geographic Area	Listening Station Number	Leading Community Group	Date	Average number of kiwi calls per hour
Mahinepua	90	Mahinepua Radar Hill Landcare	Annually since 2007	6.2
Mahinepua	83	Mahinepua Radar Hill Landcare	Annually since 2005	8.1
Mahinepua	84	Mahinepua Radar Hill Landcare	annually since 2003	12.5
Mahinepua	85	Mahinepua Radar Hill Landcare	annually since 2003	12.5
Mahinepua	88	Mahinepua Radar Hill Landcare	annually 2003-2017	7.5
Mahinepua	99	Mahinepua Radar Hill Landcare	annually 2003-2017	9.3
Marsden Cross*	10	DOC	Annual monitoring since 1995	39.6
Rangitane SR*	12	Kerikeri peninsula project	Annual monitoring since 1995	18.2
Waitangi*	13	DOC	Annual monitoring since 1995	11.5
Waitangi*	14	Iwi Kiwi	Annual monitoring since 1995	8.2
Waitangi	58	Iwi Kiwi	2018	6.6
Bay of Islands	219	Private landowner	2018	1.0
Bay of Islands	185	Kerikeri peninsula project	2018	2.7
Bay of Islands	206	Private landowner	annually 2008-2016	6.2

Bay of Islands	218	Private landowner	2018	2
<b>Geographic Area</b>	<b>Listening Station Number</b>	<b>Leading Community Group</b>	<b>Date</b>	<b>Average number of kiwi calls per hour</b>
Puketotara, Kerikeri	11	Puketotara Landcare	annually since 1995	11
Puketotara, Kerikeri	226	Puketotara Landcare	2018	12.7
Puketotara, Kerikeri	227	Puketotara Landcare	2018	12.2
Puketotara, Kerikeri	911	Puketotara Landcare	2018	12.7
Puketotara, Kerikeri	912	Puketotara Landcare	2018	12.1
Russell Peninsula	15	Russell Kiwi Project	annually since 1995	20.4
Russell Peninsula	59	Russell Kiwi Project	annually since 2005	13.5
Russell Peninsula	60	Russell Kiwi Project	annually since 2010	5.7
Russell Peninsula	62	Russell Kiwi Project	annually since 2005	11.1
Russell Peninsula	170	Russell Kiwi Project	annually since 2005	10.4
Russell Peninsula	171	Russell Kiwi Project	annually since 2008	21.6
Russell Peninsula	172	Russell Kiwi Project	annually since 2008	3.6
Russell Peninsula	173	Russell Kiwi Project	2017	1.2
Russell Peninsula	174	Russell Kiwi Project	annually since 2006	12.2
Russell Peninsula	177	Russell Kiwi Project	2017	9.2
Hupara	258	Hupara Landcare	Annually since 2011	24.7
Hupara	245	Hupara Landcare	2015	16
Hupara	246	Hupara Landcare	2013	19.4
Hupara	257	Hupara Landcare	Annually since 2014	19.9
Waimate North	113	Waimate North Landcare	annually since 2009	31.4
Waimate North	114	Waimate North Landcare	annually since 2004	8.9

Waimate North	115	Waimate North Landcare	annually since 2011	1.1
<b>Geographic Area</b>	<b>Listening Station Number</b>	<b>Leading Community Group</b>	<b>Date</b>	<b>Average number of kiwi calls per hour</b>
Waimate North	116	Waimate North Landcare	annually since 2010	12.1
Waimate North	118	Waimate North Landcare	annually since 2004	10.9
Waimate North	120	Waimate North Landcare	annually since 2004	5.2
Waimate North	121	Waimate North Landcare	annually since 2013	2.6
Waimate North	122	Waimate North Landcare	annually since 2006	5.2
Waimate North	124	Waimate North Landcare	annually since 2004	6.1
Puketi Forest	112	Puketi Forest Trust	annually since 2011	3.4
Puketi Forest	108	Puketi Forest Trust	annually since 2008	6.7
Puketi Forest	8	Puketi Forest Trust	annually since 1995	12
Puketi Forest	111	Puketi Forest Trust	annually since 2014	5.4
Puketi Forest	107	Puketi Forest Trust	annually since 2015	3.7
Puketi Forest	7	Puketi Forest Trust	annually since 1995	9.7
Puketi Forest	104	Puketi Forest Trust	annually since 2006	10.5
Puketi Forest	106	Puketi Forest Trust	annually since 2006	1.2
Puketi Forest	102	Puketi Forest Trust	annually since 2006	3.9
Puketi Forest	109	Puketi Forest Trust	annually since 2008	8

**Appendix 3: Acoustic devices location**

Acoustic devices sites as per map 2. Survey year/agency refer to the year the ALD were deployed by Kiwi Coast or DOC.

Kiwi presence is ranked as kiwi present or not detected.

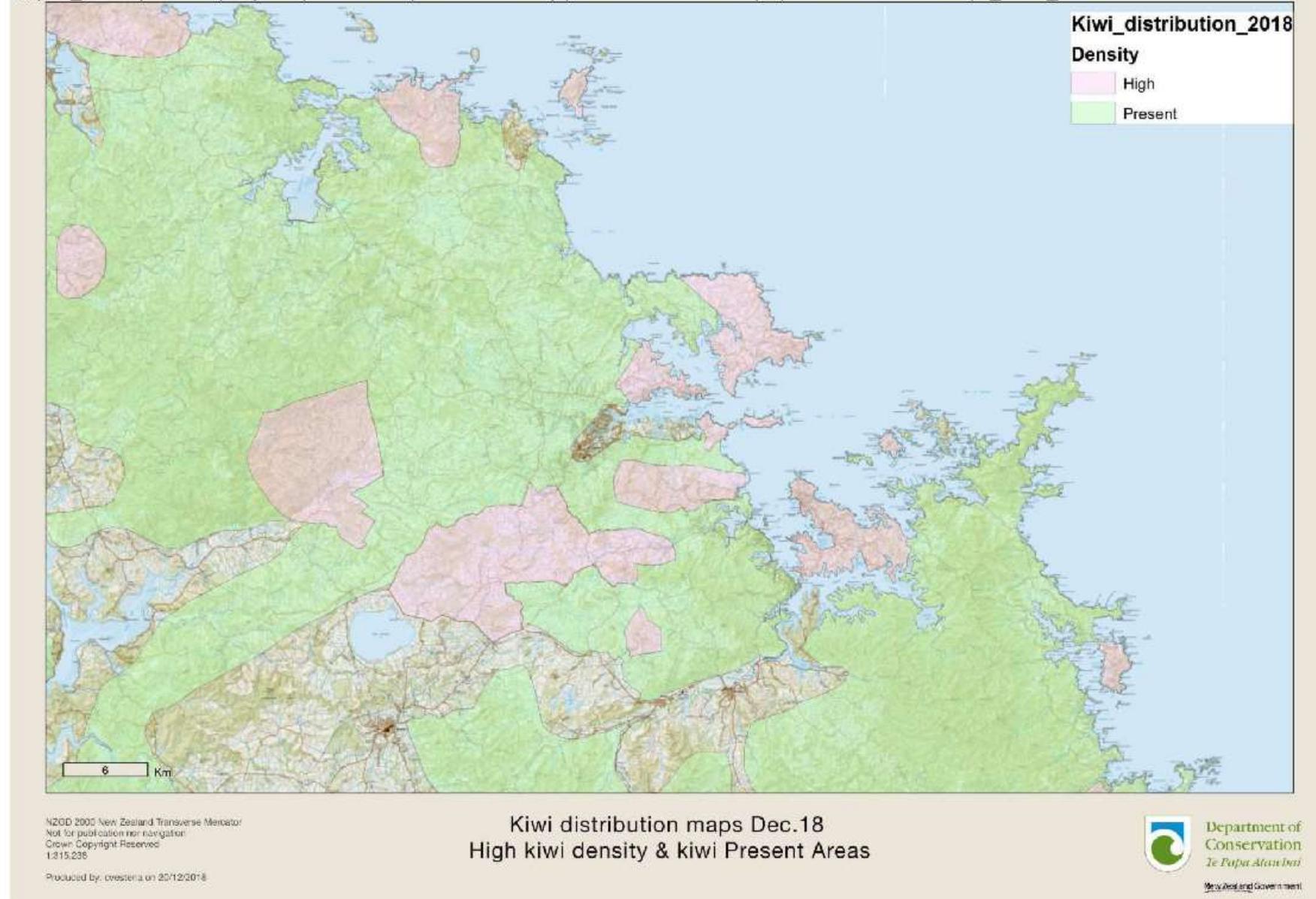
<b>Geographic Area</b>	<b>Devices location</b>	<b>Kiwi Presence</b>	<b>Year/Agency</b>
Whangaroa	1	Kiwi present	Kiwi Coast Blitz 2016
Moerewa	2	Not detected	Kiwi Coast Blitz 2016
Ngaiotonga	3	Kiwi present	Kiwi Coast Blitz 2016
Karetu - Waitino	6	Kiwi present	Kiwi Coast Blitz 2016
Taupo Bay	9	Kiwi present	Kiwi Coast Blitz 2016
Pungaere	12	Not detected	Kiwi Coast Blitz 2016
Matangirau	13	Kiwi present	Kiwi Coast Blitz 2016
Whangaroa	14	Kiwi present	Kiwi Coast Blitz 2016
Opuia	19	Kiwi present	Kiwi Coast Blitz 2016
Puketona - Quarry	22	Kiwi present	Kiwi Coast Blitz 2016
Otangaroa	23	Kiwi present	Kiwi Coast Blitz 2016
Kaero TeHuia	26	Kiwi present	Kiwi Coast Blitz 2016
Kaero	27	Kiwi present	Kiwi Coast Blitz 2016
Whangae	29	Kiwi present	Kiwi Coast Blitz 2016
Pupuke - Coppermine	30	Kiwi present	Kiwi Coast Blitz 2016
Kaikohe Cumber Trig	31	Not detected	Kiwi Coast Blitz 2016
Pakaraka	33	Not detected	Kiwi Coast Blitz 2016

Orotere - Taraire	38	Kiwi present	Kiwi Coast Blitz 2016
<b>Geographic Area</b>	<b>Devices location</b>	<b>Kiwi Presence</b>	<b>Year/Agency</b>
Punaruks	42	Not detected	Kiwi Coast Blitz 2016
Totara North - Ranfurly	43	Kiwi present	Kiwi Coast Blitz 2016
Totara North - Salvation Rd	44	Kiwi present	Kiwi Coast Blitz 2016
Takou Bay	45	Kiwi present	Kiwi Coast Blitz 2016
Taratara	46	Kiwi present	Kiwi Coast Blitz 2016
Pupuke - Takakuri	49	Kiwi present	Kiwi Coast Blitz 2016
Otagaroa - Te Ranga	50	Kiwi present	Kiwi Coast Blitz 2016
Waikare	51	Not detected	Kiwi Coast Blitz 2016
Karetu Pakaru	56	Kiwi present	Kiwi Coast Blitz 2016
Kaikohe Reservoir	58	Kiwi present	Kiwi Coast Blitz 2016
Ruapekapeka	59	Kiwi present	Kiwi Coast Blitz 2016
Taratara - Tara	61	Not detected	Kiwi Coast Blitz 2016
Waiare	62	Kiwi present	Kiwi Coast Blitz 2016
Puketotara 231	63	Kiwi present	Puketotara Landcare 2018
Puketotara 232	64	Kiwi present	Puketotara Landcare 2019
Hupara7	65	Kiwi present	DOC 2018
Hupara1	66	Kiwi present	DOC 2018
Hupara3	67	Kiwi present	DOC 2018
Hupara5	68	Kiwi present	DOC 2018
Hupara6	69	Kiwi present	DOC 2018
Waimate North 1	70	Kiwi present	DOC 2018
Puketi Forest 259	71	Kiwi present	DOC 2018
SKIL1	72	Not detected	DOC 2018
SKIL2	73	Not detected	DOC 2018
SKIL3	74	Not detected	DOC 2018

SKIL4	75	Not detected	DOC 2018
SKIL5	76	Not detected	DOC 2018
<b>Geographic Area</b>	<b>Devices location</b>	<b>Kiwi Presence</b>	<b>Year/Agency</b>
SKIL6	77	Kiwi present	DOC 2018
SKIL7	78	Not detected	DOC 2018
Kowhairoa 1	79	Kiwi present	DOC2016
Kowhairoa 2	80	Kiwi present	DOC2016
Kowhairoa 3	81	Kiwi present	DOC2016
Kowhairoa 4	82	Kiwi present	DOC2016
Kowhairoa 5	83	Kiwi present	DOC2016
Kowhairoa 6	84	Kiwi present	DOC2016
Kauri Cliff 1	85	Kiwi present	DOC2016
Kauri Cliff 2	86	Kiwi present	DOC2016
Kauri Cliff 3	87	Kiwi present	DOC2016
Kauri Cliff 4	88	Kiwi present	DOC2016
Kauri Cliff 5	89	Kiwi present	DOC2016
Kauri Cliff 6	90	Kiwi present	DOC2016
Matauri Trust 1	91	Kiwi present	DOC2016
Matauri Trust 2	92	Kiwi present	DOC2016
Matauri Trust 3	93	Kiwi present	DOC2016
Matauri Trust 4	94	Kiwi present	DOC2016
Matauri Trust 5	95	Kiwi present	DOC2016
Matauri Trust 6	96	Kiwi present	DOC2016
Blunden 1	97	Kiwi present	Puketotara Landcare 2018
Blunden 2	98	Kiwi present	Puketotara Landcare 2018

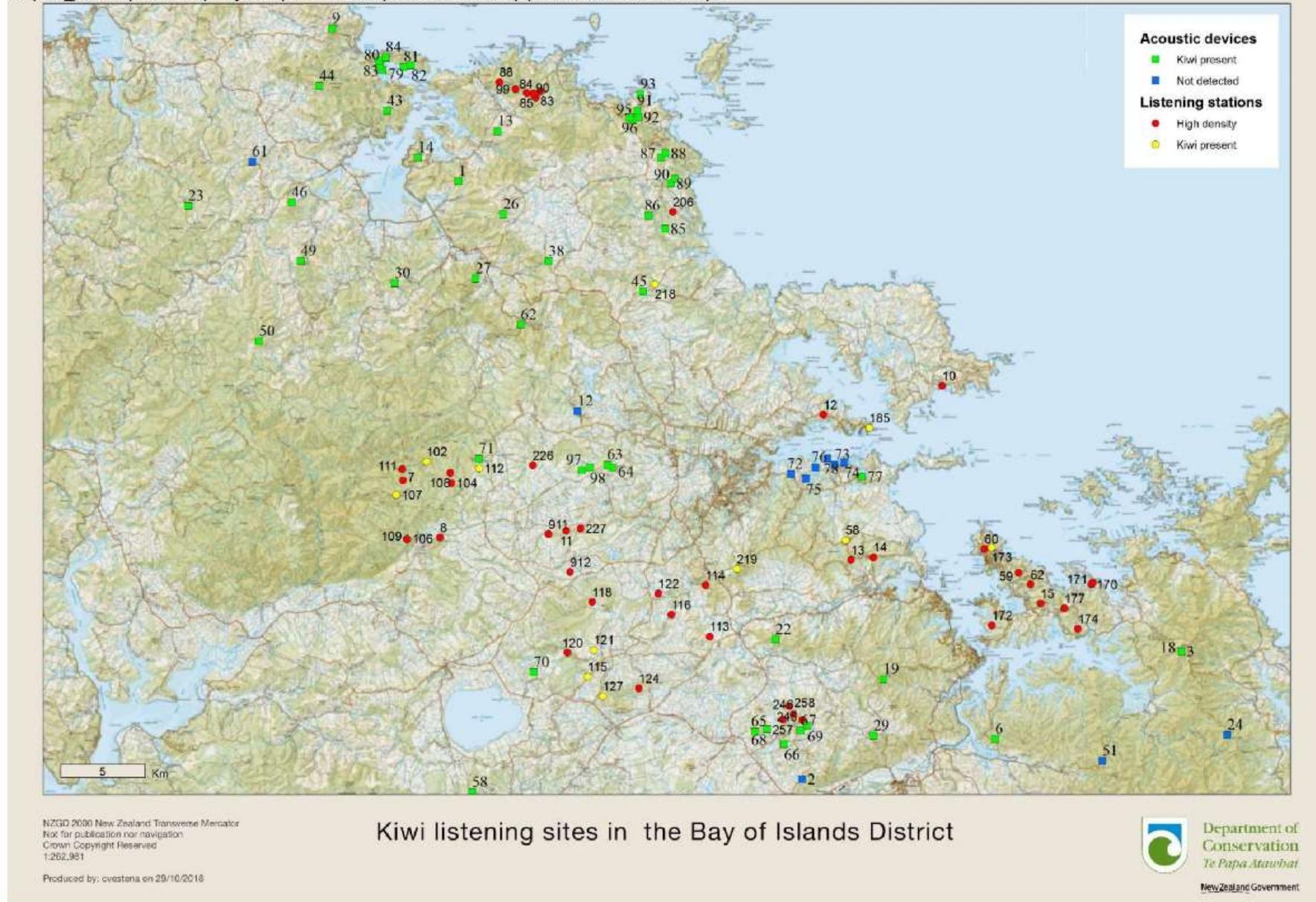
**Appendix 4: Map 1 - Bay of Islands area kiwi distribution map issued October 2018**

Q:\GIS\_Users\Kerikeri\Projects\2017-2018\BOI biodiversity\Kiwi distribution Maps\Kiwi distribution maps\_2018\_final



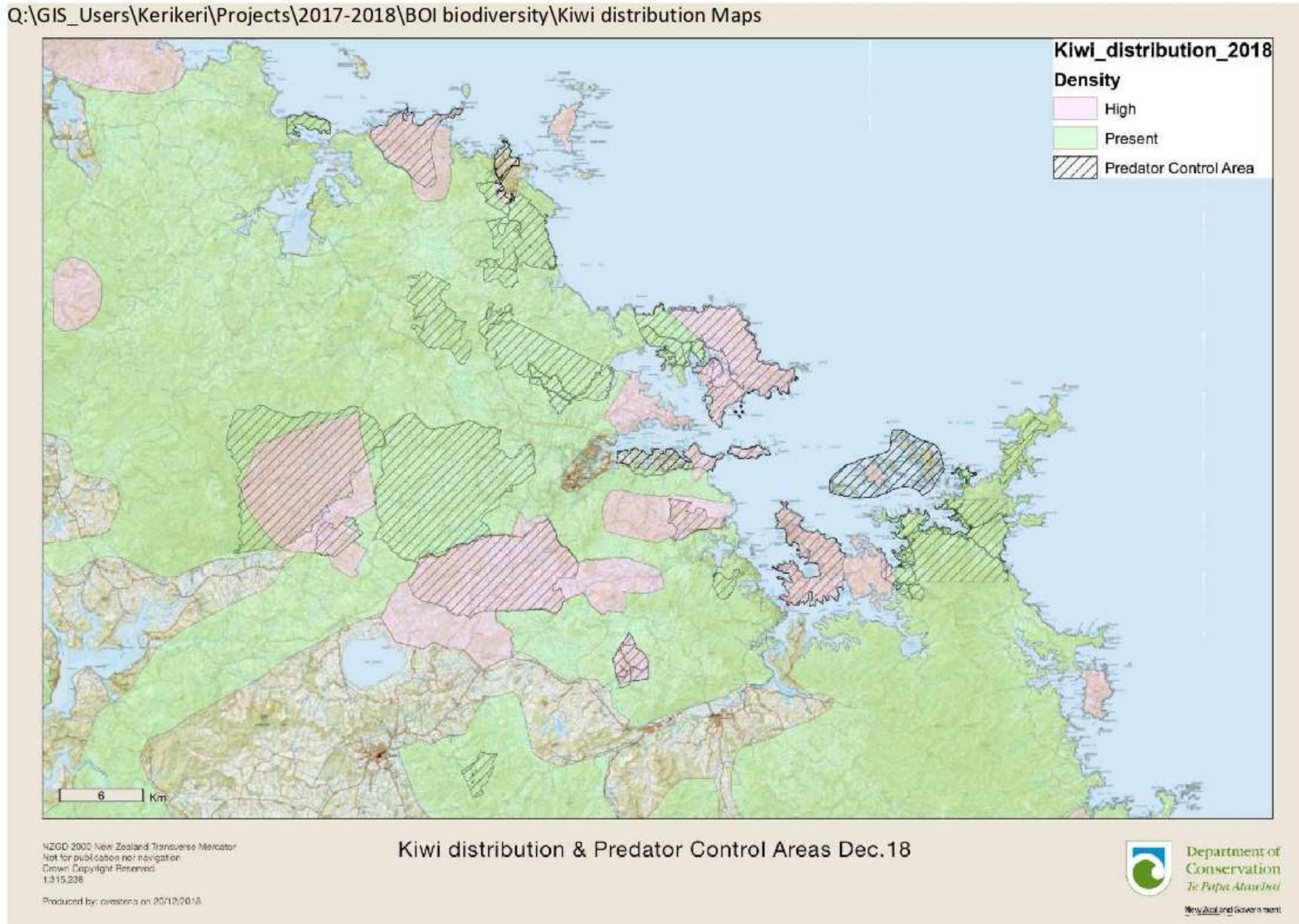
**Appendix 5: Map 2 - Kiwi listening sites (human listening stations and acoustic devices)**

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**Appendix 6: Map 3 – Areas under active predator control**

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## Practice Note For Significant Indigenous Flora and Fauna

### 1. PURPOSE

To provide guidance on when to apply conditions on resource consents restricting dogs and cats for the purposes of protecting Northland brown kiwi and other indigenous fauna.

To provide guidance on when to apply conditions on resource consents for the purpose of protecting Northland indigenous Flora and Fauna. This includes but is not limited to Northland Brown Kiwi, Teal, Mudfish, Bartlett's tree rata etc. These restrictions are supported by provisions in the Far North District Plan; the Operative Regional Policy Statement for Northland, and Part 2 (sections 5 and 6) of the Resource Management Act.

### 2. OPERATIVE DISTRICT PLAN

The Operative Far North District Plan contains the following policies relating to significant indigenous vegetation:

12.2.4.2 That the significance of areas of indigenous vegetation be evaluated by reference to the criteria listed in Appendix III of the Northland Regional Policy Statement (refer also to definition of "significant" in 12.2.5.6).

12.2.4.3 That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by:

12.2.4.6 That support is given to programmes for weed and pest control, including support for community pest control areas established by the Northland Regional Council under the Regional Pest Management Strategies, in areas of significant indigenous vegetation and significant habitats of indigenous fauna and surrounding lands.

12.2.4.12 That habitat restoration be promoted.

12.2.4.13 That the maintenance of riparian vegetation and habitats be recognised and provided for and their restoration encouraged, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, preservation of natural character and the maintenance of general ecosystem health and indigenous biodiversity.

The Operative Far North District Plan contains the following policies relating to kiwi protection:

12.2.4.10 In order to protect areas of significant indigenous fauna:

- a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;

- b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.

12.2.4.11 That when considering resource consent applications in areas identified as known high density kiwi habitat, the Council may impose conditions, in order to protect kiwi and their habitat.

**Chapter 12.2 has further Objectives and Policies you can consider in your assessment.**

### 3. LINKS

Link to Local Maps: <https://khowebmapserv4.fndc.local/LocalMapsGallery/>

Under Recreation and Reserves there are maps for:

- Kiwi Present and High density kiwi layers
- Mudfish Areas
- Protected Natural Areas
- Soon to come Significant Natural Areas
- Land care group maps (coming soon)
- Pest Controlled Areas (coming soon)

### 4. SCOPE

This Practice Note applies whenever a resource consent application is received that is the subdivision of land wholly or partially:

- i. Which has habitats that can be identified as significant using method 12.2.5.6, which will direct you to Appendix 5 of the Regional Policy.
- ii. Identifiable areas that may be significant and can be assisted to allow natural reversion to occur.
- iii. Within an area of high density kiwi concentration, or an area where kiwi are present.

### 5. BEST PRACTICE

- i. It is considered that the best practice approach when including such conditions is to liaise with the applicant/agent to seek inclusion as a mitigation measure.
- ii. All applications where the subdivision fits the criteria above should be sent to the Department of Conservation for comment.
- iii. Consistency is essential. Therefore it is critically important to impose the no dog/cat condition in a consistent manner across the district.
- iv. When assessing an application, take note of any offered ban or restriction.
- v. Note: some land use applications may also require consideration under this Guidance Note, particularly when recommended by an ecological expert. OR if you think there is a more than minor adverse effect to Kiwi Populations due to the activity i.e: a traveller's accommodation in a high density area.

- vi. It is encouraged that all applications where the subdivision fits the criteria above, the application should be sent to the Department of Conservation for comment before lodgment.

## 6. PROCESS

### Determination of areas that are significant habitats:

- i. If the area in question is a wetland the RPS promotes restoration and protection of the area.
- ii. Consider streams and tributaries that create the wetlands and rivers for protection as well.
- iii. Will protection of an area of significance reduce fragmentation, isolation of population or loss in an ecological district.

### Determination of Kiwi Conditions:

- i. Determine if the subdivision is in, partially in, or near high density kiwi and/or kiwi present areas.
- ii. If a subdivision is within a high density kiwi area, the no dog/cat condition should be applied unless there are compelling reasons not to.
- iii. If a subdivision is within an area of kiwi present, but near to high density (within a 1km buffer approximately) and fall under the following criteria consider a no cats/dogs condition or consider restrictions regarding numbers and means of controlling and monitoring dogs and cats.
  - Close proximity to a Protected Natural Area (check that the PNA is significant for Kiwi), QEII covenanted areas
  - Are there Land care groups active in the area?
  - Is the Pest Control being carried out in the area?
  - Kiwi Call Stations, how many calls were recorded at the station, of where they not recorded? The current Annual Call Count Report for 2017 is available online, the 2018 report has not yet been released.
  - Is there a clear link between two PNA's that could be protected (including riparian edges)
  - Linkages of corridors between high density kiwi areas
- (i) If a subdivision is within an area of kiwi present but the circumstances listed in (iii) above do not exist within the Kiwi present areas ( outside the 1km buffer) consideration may be given to conditions offered by the applicant or an advice note is appropriate.

## 7. STANDARD CONDITION EXAMPLES

Please note these are example conditions and may not be relevant to your site, wording can also be amended to fit your application.

#### Kiwi high density Consent Notice

1. The site [reference] is identified as being within a kiwi high density zone. On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. [identify the lots].
2. No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

#### Kiwi present Advice Note:

1. The site [reference] is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

#### Kiwi high density with working dog provision

1. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).  
A maximum of [two or more]\* working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:
  - a) micro-chipped,
  - b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
  - c) kept in a kennel or tied up at night.
  - d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- a) A photograph of the dog;
- b) Written confirmation that the dog(s) have been micro-chipped;
- c) A plan showing the extent of the dog proof fenced area;

\* Planners discretion on whether the number of working dogs is required or not. E.g.: if the site is 4ha then it may need a 2 working dog restriction, whereas if it's a 30ha farm used for stock purposes then no restriction should apply to the number of working dogs.

#### Grandfather clause for existing dogs

Within 2 months of consent being issues provide the Resource Consent Monitoring Officer with evidence for Council's records of the existing dogs on site, this shall include:

- i. A photograph of the existing dog/s
- ii. Written confirmation that the dog(s) have been micro-chipped

#### One Cat/Dog provision, as a Condition at 224(c) and Consent Notice:

1. Condition at 224(c):

Provide the Far North District Council's Resource Consent Monitoring Officer or duly delegated officer evidence of the existing dogs for Council's records, e.g. a photograph and proof of microchip, and other requirements (see condition ...).

2. Consent Notice:

No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification (planners discretion on this clause for pets)
- iv. For any dog a plan showing the extent to the dog proof fenced area.
- v. For any cat written confirmation that the cat has been neutered.

Note: This Consent Notice does not relate to the existing dogs on site currently, and will be put into effects once the existing dogs are no longer living and/or not kept on the lots (see condition).

Cat/Dog restriction during construction:

1. The Consent holder and Contractors shall not keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs), during the construction of the dwelling.

Ecological Restoration

1. The property [reference] has been identified as [provide reason for protection, i.e: Part of PNA]. The owner shall preserve the indigenous trees and bush [now on the allotment] [as indicated on the survey plan, as area(s) [X and X] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
2. There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into any areas of indigenous vegetation on the site [identify the area considered indigenous].
3. Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced on the site. This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland Regional Pest Management Strategy). Planting of other exotic species should be confined to the immediate vicinity of dwellings. And species with berry-type fruits are to be grown within netting to prevent seed spread by birds. Dead wood may be removed by the owners for their own use on the site.

4. Any work to be undertaken on any part of the trees contained within the protected area is to be carried out by a qualified arborist, with Council to be advised in writing of the proposed work prior to commencement, and notification on completion of the work.

Vegetation Clearance Advice Note:

For vegetation clearance in Kiwi zone:

It is recommended that a certified dog handler runs their dog over the areas intended for vegetation clearance on ... and ... to insure that no birds are distributed during clearance at their own cost. The kiwi for kiwi website has a directory of certified dog trainers/handlers that have dogs trained for this purpose.

[www.kiwisforkiwi.org.nz](http://www.kiwisforkiwi.org.nz)

Pest Management Conditions:

1. Submit to the Resource Consents Manager or other duly delegated officer, an animal pest and weed eradication programme detailing the methodology for animal pest and weed eradication. The plan shall be prepared by a suitably qualified and experienced person; addressing the matters set out in [\[insert report name, title and date, and section, if appropriate\]](#) and submitted with the application.
2. Any predator / pest control work carried out is to be done in a manner which will not endanger kiwi and pest management is to include the management of cats
3. Provide for the approval of the resource consents manager or other duly delegated officer, a pest and weed eradication management plan for the proposed lots. The management plan shall include:
  - Pest and weed eradication measures including ongoing maintenance
  - Appropriate signage
  - Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
  - Reporting mechanisms including progress weed and pest eradication
  - Any other relevant matter for the purposes of managing the allotments.
4. Provide to the satisfaction of Councils resource consent manager or other duly delegated officer, a weed and pest management strategy prepared by a suitably qualified person. The management strategy shall apply to all of the land included in the application.  
Compliance with the weed and pest management strategy shall be a requirement of the management plan.
5. Consent Notice: The pest and weed eradication management plan to protect the native vegetation and kiwi habitat shall be observed and continued by the landowners and the plan shall not cease or be amended without the express permission of Council.
6. The owner shall preserve the indigenous trees and bush [now on the allotment] [as indicated on the survey plan, as area(s) X and X] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of

such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Wetland Conditions:

1. The owner of the allotment is to submit, for the approval of Councils Resource Consents Manager or other duly delegated officer, a riparian management plan, prepared by a person with approved expertise. This plan shall address the existing state of the riparian and stream environments; identify areas where environmental enhancement may be achieved and propose management means and methods to accomplish such enhancement.
2. Management of activities on Lots [indicate which lot(s) the wetland is on], with respect to the natural wetland areas [indicated by drawing as per Condition ( ) above, if need be at 223] is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council.
3. **Advice Note:** This consent requires the ongoing protection of an area of wetland. Regeneration of wetlands is an important environmental goal and funding is available from Northland Regional Council for fencing and replanting via the Northland Regional Council Environmental Enhancement Fund.

Stock Fencing Condition:

1. Provide evidence to the satisfaction of Council's duly delegated officer that there is a continuous stock proof fence along ... on as shown on the Survey Plan (See condition..).
2. **Consent Notice:** There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into any areas of indigenous vegetation on the site.

**8. DEFINITION**

Working dogs – (definition from the Dog Control Act 1996)

(a) any disability assist dog:

(b) any dog—

- (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
- (ii) kept solely or principally for the purposes of herding or driving stock; or
- (iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
- (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
  - a) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

- b) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
- c) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
- (vi) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

## 9. BIODIVERSITY OFFSETS

Definition (defined by the Biodiversity Offset Programme):

'Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground'

Guidance Note on Biodiversity Offsetting:

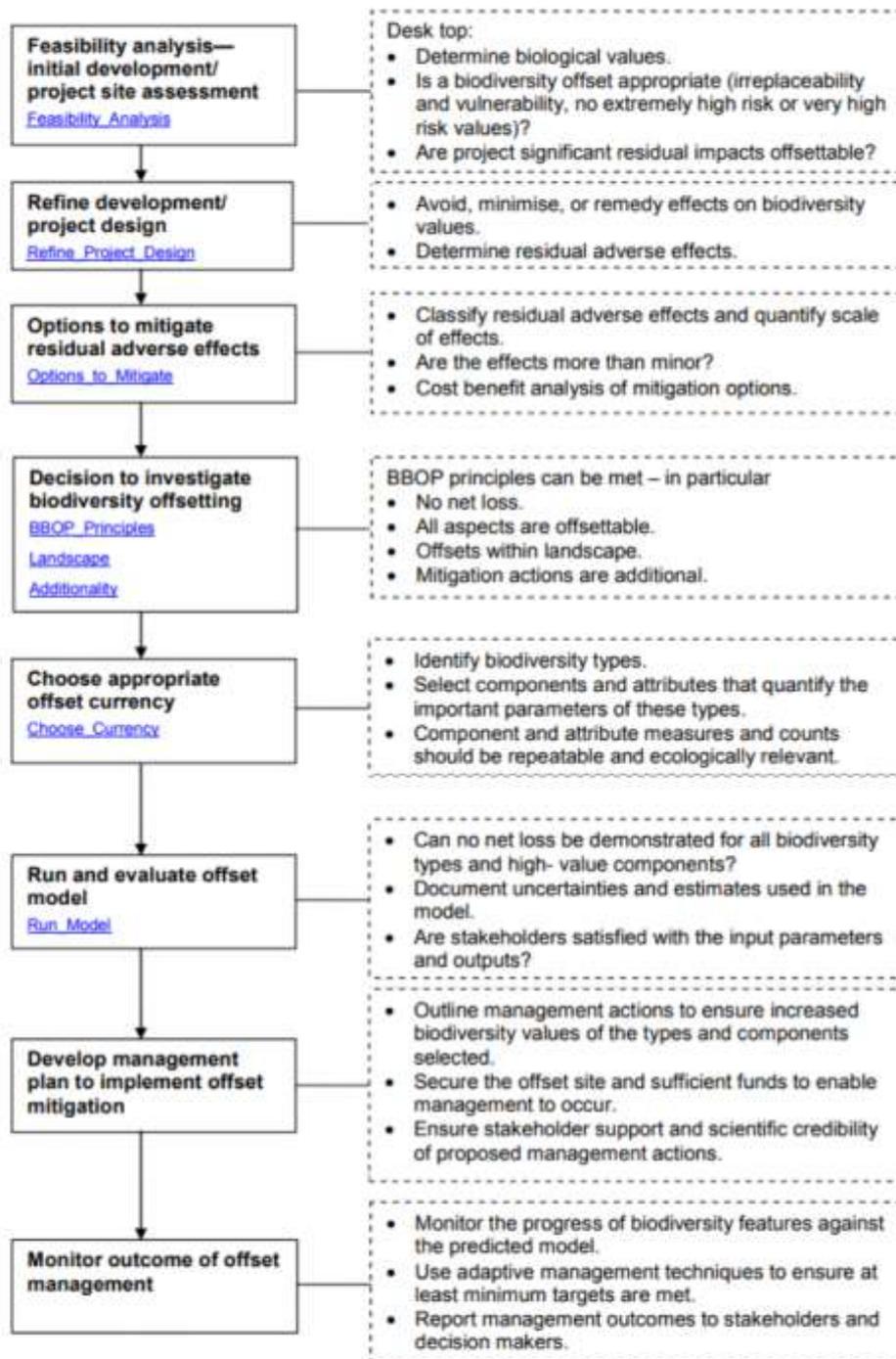
<https://www.doc.govt.nz/globalassets/documents/our-work/biodiversity-offsets/the-guidance.pdf>

RMA Amendments 2017 require Council to have regard to measures proposed or agreed by applicants or requiring authorities, to ensure positive effect on the environment that offset or compensate for any adverse effects on the environment.

Measures proposed to ensure positive environmental effects that offset or compensate for adverse effects could include matters such as new public access ways, revegetation of land or predator control programmes.

If a person proposes some type of measure to offset or compensate for adverse environmental effects, it will usually be one of the various (and sometime competing) matters that decision-makers must have regard to. The level of consideration that should be given to a particular measure will vary, depending on factors such as the quality of the measure that has been volunteered, its connection to the adverse effects being incurred by the proposed activity or the relevant policy framework.

A number of approaches already exist for quantifying or addressing adverse effects on biodiversity. For example: carrying out assessments of environmental effects, avoiding and minimising adverse effects, implementing management measures (such as pest or weed control programmes, restoration of degraded areas and fencing-off stock from remnant habitats) and monitoring the success of management outcomes





### Practice Note For Significant Indigenous Flora and Fauna

#### 1. PURPOSE

To provide guidance on when to apply conditions on resource consents restricting dogs and cats for the purposes of protecting Northland brown kiwi and other indigenous fauna.

To provide guidance on when to apply conditions on resource consents for the purpose of protecting Northland indigenous Flora and Fauna. This includes but is not limited to Northland Brown Kiwi, Teal, Mudfish, Bartlett's tree rata etc. These restrictions are supported by provisions in the Far North District Plan; the Operative Regional Policy Statement for Northland, and Part 2 (sections 5 and 6) of the Resource Management Act.

#### 2. OPERATIVE DISTRICT PLAN

The Operative Far North District Plan contains the following policies relating to significant indigenous vegetation:

12.2.4.2 That the significance of areas of indigenous vegetation be evaluated by reference to the criteria listed in Appendix III of the Northland Regional Policy Statement (refer also to definition of "significant" in 12.2.5.6).

12.2.4.3 That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by:

12.2.4.6 That support is given to programmes for weed and pest control, including support for community pest control areas established by the Northland Regional Council under the Regional Pest Management Strategies, in areas of significant indigenous vegetation and significant habitats of indigenous fauna and surrounding lands.

12.2.4.12 That habitat restoration be promoted.

12.2.4.13 That the maintenance of riparian vegetation and habitats be recognised and provided for and their restoration encouraged, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, preservation of natural character and the maintenance of general ecosystem health and indigenous biodiversity.

The Operative Far North District Plan contains the following policies relating to kiwi protection:

12.2.4.10 In order to protect areas of significant indigenous fauna:

- a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;

- b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.

12.2.4.11 That when considering resource consent applications in areas identified as known high density kiwi habitat, the Council may impose conditions, in order to protect kiwi and their habitat.

**Chapter 12.2 has further Objectives and Policies you can consider in your assessment.**

### 3. LINKS

Link to Local Maps: <https://khowebmapserv4.fndc.local/LocalMapsGallery/>

Under Recreation and Reserves there are maps for:

- Kiwi Present and High density kiwi layers
- Mudfish Areas
- Protected Natural Areas
- Soon to come Significant Natural Areas
- Land care group maps (coming soon)
- Pest Controlled Areas (coming soon)

### 4. SCOPE

This Practice Note applies whenever a resource consent application is received that is the subdivision of land wholly or partially:

- i. Which has habitats that can be identified as significant using method 12.2.5.6, which will direct you to Appendix 5 of the Regional Policy.
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- iii. Within an area of high density kiwi concentration, or an area where kiwi are present.

### 5. BEST PRACTICE

- i. It is considered that the best practice approach when including such conditions is to liaise with the applicant/agent to seek inclusion as a mitigation measure.
- ii. All applications where the subdivision fits the criteria above should be sent to the Department of Conservation for comment.
- iii. Consistency is essential. Therefore it is critically important to impose the no dog/cat condition in a consistent manner across the district.
- iv. When assessing an application, take note of any offered ban or restriction.
- v. Note: some land use applications may also require consideration under this Guidance Note, particularly when recommended by an ecological expert. OR if you think there is a more than minor adverse effect to Kiwi Populations due to the activity i.e: a traveller's accommodation in a high density area.

- vi. It is encouraged that all applications where the subdivision fits the criteria above, the application should be sent to the Department of Conservation for comment before lodgment.

## 6. PROCESS

### Determination of areas that are significant habitats:

- i. If the area in question is a wetland the RPS promotes restoration and protection of the area.
- ii. Consider streams and tributaries that create the wetlands and rivers for protection as well.
- iii. Will protection of an area of significance reduce fragmentation, isolation of population or loss in an ecological district.

### Determination of Kiwi Conditions:

- i. Determine if the subdivision is in, partially in, or near high density kiwi and/or kiwi present areas.
  - ii. If a subdivision is within a high density kiwi area, the no dog/cat condition should be applied unless there are compelling reasons not to.
  - iii. If a subdivision is within an area of kiwi present, but near to high density (within a 1km buffer approximately) and fall under the following criteria consider a no cats/dogs condition or consider restrictions regarding numbers and means of controlling and monitoring dogs and cats.
    - Close proximity to a Protected Natural Area (check that the PNA id significant for Kiwi), QEII covenanted areas
    - Are there Land care groups active in the area?
    - Is the Pest Control being carried out in the area?
    - Kiwi Call Stations, how many calls were recorded at the station, of where they not recorded? The current Annual Call Count Report for 2017 is available online, the 2018 report has not yet been released.
    - Is there a clear link between two PNA's that could be protected (including riparian edges)
    - Linkages of corridors between high density kiwi areas
- (i) If a subdivision is within an area of kiwi present but the circumstances listed in (iii) above do not exist within the Kiwi present areas ( outside the 1km buffer) consideration may be given to conditions offered by the applicant or an advice note is appropriate.

## 7. STANDARD CONDITION EXAMPLES

Please note these are example conditions and may not be relevant to your site, wording can also be amended to fit your application.

#### Kiwi high density Consent Notice

1. The site [reference] is identified as being within a kiwi high density zone. On all lots no occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids) which have the potential to be kiwi predators. [identify the lots].
2. No occupier of the land shall keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs).

#### Kiwi present Advice Note:

1. The site [reference] is identified as being within a kiwi present zone. Any cats and/or dogs kept onsite must be kept inside and/or tied up at night to reduce the risk of predation of North Island brown kiwi by domestic cats and dogs.

#### Kiwi high density with working dog provision

1. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).  
A maximum of [two or more]\* working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:
  - a) micro-chipped,
  - b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,
  - c) kept in a kennel or tied up at night.
  - d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification

Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-

- a) A photograph of the dog;
- b) Written confirmation that the dog(s) have been micro-chipped;
- c) A plan showing the extent of the dog proof fenced area;

\* Planners discretion on whether the number of working dogs is required or not. E.g.: if the site is 4ha then it may need a 2 working dog restriction, whereas if it's a 30ha farm used for stock purposes then no restriction should apply to the number of working dogs.

#### Grandfather clause for existing dogs

Within 2 months of consent being issues provide the Resource Consent Monitoring Officer with evidence for Council's records of the existing dogs on site, this shall include:

- i. A photograph of the existing dog/s
- ii. Written confirmation that the dog(s) have been micro-chipped

#### One Cat/Dog provision, as a Condition at 224(c) and Consent Notice:

1. Condition at 224(c):

Provide the Far North District Council's Resource Consent Monitoring Officer or duly delegated officer evidence of the existing dogs for Council's records, e.g. a photograph and proof of microchip, and other requirements (see condition ...).

2. Consent Notice:

No more than one dog and one cat shall be introduced or kept on the lot at any time. Any dog must be micro-chipped and have a current kiwi aversion trained certification. Any dog must be within a dog-proof fenced area on the lot and be under effective control at all times when outside of the fenced area, e.g. on a lead. At night any dog must be kept inside or be tied up. Any cat is to be neutered, microchipped and kept inside at night.

Prior to the introduction or keeping of any dog or cat on either lot, the occupier must provide to the Resource Consents Monitoring Officer of Far North District Council the following:

- i. A photograph of the cat or dog;
- ii. Written confirmation that the cat or dog has been microchipped
- iii. For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification (planners discretion on this clause for pets)
- iv. For any dog a plan showing the extent to the dog proof fenced area.
- v. For any cat written confirmation that the cat has been neutered.

Note: This Consent Notice does not relate to the existing dogs on site currently, and will be put into effects once the existing dogs are no longer living and/or not kept on the lots (see condition).

Cat/Dog restriction during construction:

1. The Consent holder and Contractors shall not keep or introduce on to the site carnivorous or omnivorous exotic animals (such as mustelids, cats or dogs), during the construction of the dwelling.

Ecological Restoration

1. The property [reference] has been identified as [provide reason for protection, i.e: Part of PNA]. The owner shall preserve the indigenous trees and bush [now on the allotment] [as indicated on the survey plan, as area(s) [X and X] and shall not without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council, cut down, damage or destroy any of such trees or bush. The owner shall be deemed to be not in breach of this prohibition if any of such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.
2. There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into any areas of indigenous vegetation on the site [identify the area considered indigenous].
3. Exotic vegetation which could adversely affect natural regeneration or local forest health is not to be introduced on the site. This includes the introduction of invasive plant species, including those currently listed on the nationally-banned-for-sale list (see Northland Regional Pest Management Strategy). Planting of other exotic species should be confined to the immediate vicinity of dwellings. And species with berry-type fruits are to be grown within netting to prevent seed spread by birds. Dead wood may be removed by the owners for their own use on the site.

4. Any work to be undertaken on any part of the trees contained within the protected area is to be carried out by a qualified arborist, with Council to be advised in writing of the proposed work prior to commencement, and notification on completion of the work.

Vegetation Clearance Advice Note:

For vegetation clearance in Kiwi zone:

It is recommended that a certified dog handler runs their dog over the areas intended for vegetation clearance on ... and ... to insure that no birds are distributed during clearance at their own cost. The kiwi for kiwi website has a directory of certified dog trainers/handlers that have dogs trained for this purpose.

[www.kiwisforkiwi.org.nz](http://www.kiwisforkiwi.org.nz)

Pest Management Conditions:

1. Submit to the Resource Consents Manager or other duly delegated officer, an animal pest and weed eradication programme detailing the methodology for animal pest and weed eradication. The plan shall be prepared by a suitably qualified and experienced person; addressing the matters set out in [\[insert report name, title and date, and section, if appropriate\]](#) and submitted with the application.
2. Any predator / pest control work carried out is to be done in a manner which will not endanger kiwi and pest management is to include the management of cats
3. Provide for the approval of the resource consents manager or other duly delegated officer, a pest and weed eradication management plan for the proposed lots. The management plan shall include:
  - Pest and weed eradication measures including ongoing maintenance
  - Appropriate signage
  - Details of the mechanism / arrangement to oversee the ongoing implementation of the plan in a coordinated manner.
  - Reporting mechanisms including progress weed and pest eradication
  - Any other relevant matter for the purposes of managing the allotments.
4. Provide to the satisfaction of Councils resource consent manager or other duly delegated officer, a weed and pest management strategy prepared by a suitably qualified person. The management strategy shall apply to all of the land included in the application.  
Compliance with the weed and pest management strategy shall be a requirement of the management plan.
5. Consent Notice: The pest and weed eradication management plan to protect the native vegetation and kiwi habitat shall be observed and continued by the landowners and the plan shall not cease or be amended without the express permission of Council.
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such trees or bush shall die from natural causes not attributable to any act or default by or on behalf of the owner or for which the owner is responsible.

Wetland Conditions:

1. The owner of the allotment is to submit, for the approval of Councils Resource Consents Manager or other duly delegated officer, a riparian management plan, prepared by a person with approved expertise. This plan shall address the existing state of the riparian and stream environments; identify areas where environmental enhancement may be achieved and propose management means and methods to accomplish such enhancement.
2. Management of activities on Lots [indicate which lot(s) the wetland is on], with respect to the natural wetland areas [indicated by drawing as per Condition ( ) above, if need be at 223] is to be undertaken so that the natural range of water levels and the natural ecosystem of plants and animals they support do not change as a result of such activities, except by way of a consent from the Council.
3. **Advice Note:** This consent requires the ongoing protection of an area of wetland. Regeneration of wetlands is an important environmental goal and funding is available from Northland Regional Council for fencing and replanting via the Northland Regional Council Environmental Enhancement Fund.

Stock Fencing Condition:

1. Provide evidence to the satisfaction of Council's duly delegated officer that there is a continuous stock proof fence along ... on as shown on the Survey Plan (See condition..).
2. **Consent Notice:** There shall be no intrusion of grazing stock (including horses, cows, sheep, goats, and pigs) into any areas of indigenous vegetation on the site.

**8. DEFINITION**

Working dogs – (definition from the Dog Control Act 1996)

(a) any disability assist dog:

(b) any dog—

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- (ii) kept solely or principally for the purposes of herding or driving stock; or
- (iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
- (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
  - a) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or

- b) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
- c) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
- (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
- (vi) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

## 9. BIODIVERSITY OFFSETS

Definition (defined by the Biodiversity Offset Programme):

'Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity on the ground'

Guidance Note on Biodiversity Offsetting:

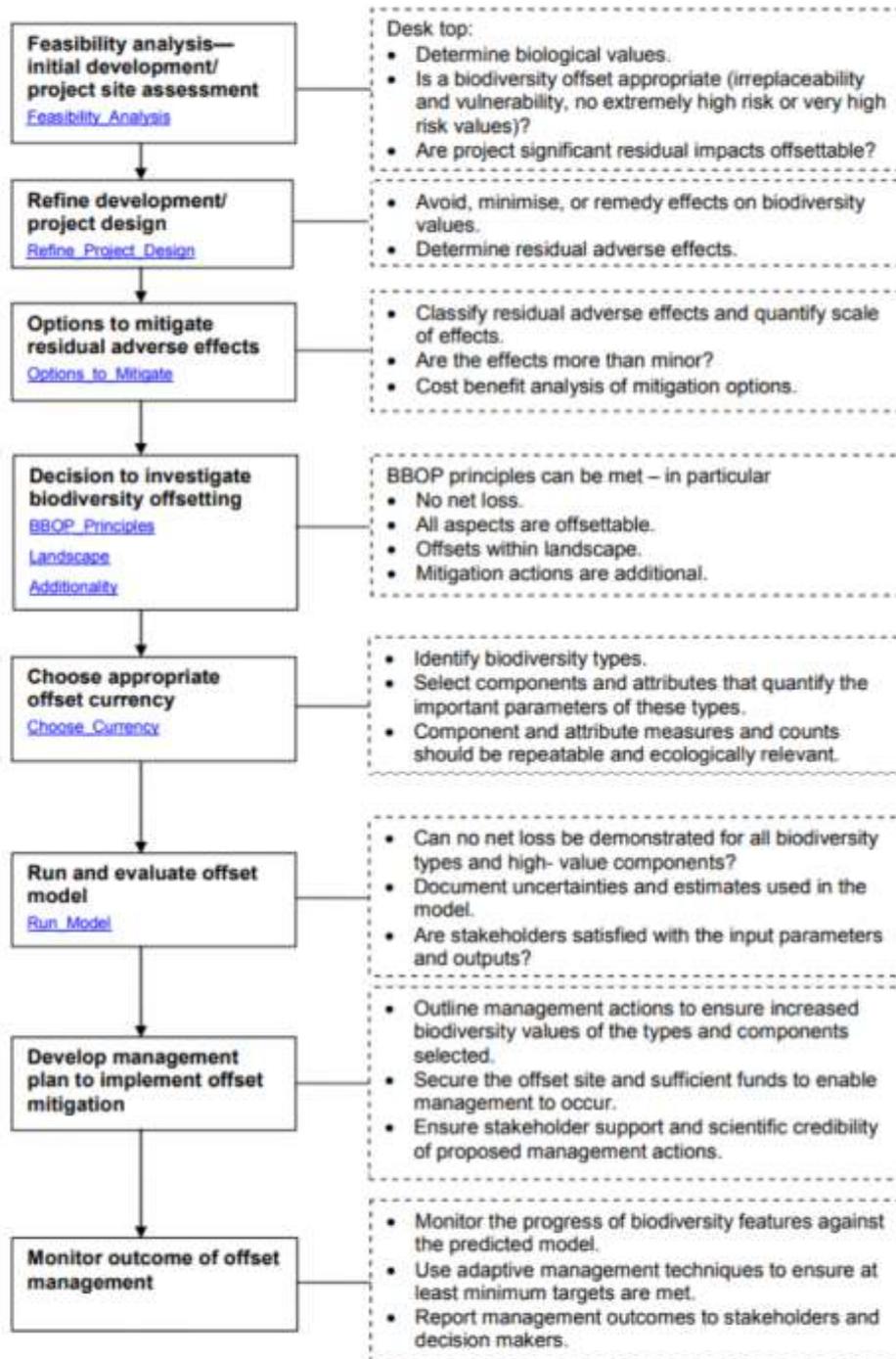
<https://www.doc.govt.nz/globalassets/documents/our-work/biodiversity-offsets/the-guidance.pdf>

RMA Amendments 2017 require Council to have regard to measures proposed or agreed by applicants or requiring authorities, to ensure positive effect on the environment that offset or compensate for any adverse effects on the environment.

Measures proposed to ensure positive environmental effects that offset or compensate for adverse effects could include matters such as new public access ways, revegetation of land or predator control programmes.

If a person proposes some type of measure to offset or compensate for adverse environmental effects, it will usually be one of the various (and sometime competing) matters that decision-makers must have regard to. The level of consideration that should be given to a particular measure will vary, depending on factors such as the quality of the measure that has been volunteered, its connection to the adverse effects being incurred by the proposed activity or the relevant policy framework.

A number of approaches already exist for quantifying or addressing adverse effects on biodiversity. For example: carrying out assessments of environmental effects, avoiding and minimising adverse effects, implementing management measures (such as pest or weed control programmes, restoration of degraded areas and fencing-off stock from remnant habitats) and monitoring the success of management outcomes



### 5.3 BCA COMPLIANCE UPDATE

**File Number:** A3263832

**Author:** Trent Blakeman, Manager - Building Services

**Authoriser:** Dean Myburgh, General Manager - District Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

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

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The BCA have wrapped up another Financial year with compliance rates on building consents achieving the CEO KPI's of 95% or greater, 99.26% for the 2021 year.

On average, consents were issued in 12 days and were with Council for 32 calendar days. The BCA received 1869 consents, returned 240 and issued 1482. These numbers exceed the forecast numbers for the 2021 year. CCC compliance for the year was 98.87% with CCC's on average issued in 5 days (CCC applications were with council for 19 calendar days).

The inspectorate completed 8669 inspection with a pass rate of 83%.

All in all, a successful year, given the high demand for building services and the on-going challenge to either attract and retain competent staff or train them to appropriate competency levels.

The BCA is currently working to ensure its readiness for the October assessment by IANZ. This is largely centred around ensuring that BAU tasks relating to accreditation are completed as part of daily routines rather than in response to pending assessments; this to achieve the ability to be audit ready on any day.

#### TŪTOHUNGA / RECOMMENDATION

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

#### TĀHUHU KŌRERO / BACKGROUND

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

One of the metrics used to measure the performance of the BCA function is its ability to perform certain tasks within a statutory time frame (20 days). This is one of the few metrics that can be measured without the need for audit. The timeframes for processing of Building Consents (BCs) and issuing Code Compliance Certificates (CCC's) are tracked using the Business Intelligence system (BI).

#### MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The BCA is currently focused on forecast workloads for the next 12 months and beyond. This is a requirement under the 2006 regulations. Based on economic forecasts, it is envisaged that consent application volumes will remain high with a high dependency on contractors. This will need to be carefully managed with contractors experiencing staff movements which also impacts BCA compliance. Any cooling in the economy (although not expected) will provide opportunities for further staff training and rebuilding the BCA's capacity. This remains a challenge, together with staff

retention. Alternative employment contractual arrangements with in-house staff will be explored to ensure the BCA is well placed for any changes in future operations.

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

There are no financial implications attached to this report

**ĀPITIHINGA / ATTACHMENTS**

**Nil**

## 5.4 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE JULY 2021

**File Number:** A3280040

**Author:** Marlema Baker, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an overview of outstanding decisions from 1 January 2020.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council staff have reintroduced action sheets as a mechanism to communicate progress against decisions/resolutions and confirm when decisions have been implemented.
- The focus of this paper is on Regulatory Compliance Committee decisions.
- Action sheets are also in place for Council and Community Boards.

### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report Action Sheet Update July 2021.**

### 1) TĀHUHU KŌRERO / BACKGROUND

The Democracy Services Team have been working on a solution to ensure that elected members can receive regular updates on progress against decisions made at meetings, in alignment with a Chief Executive Officer key performance indicator.

Action sheets have been designed as a way to close the loop and communicate with elected members on the decisions made by way of resolution at formal meetings.

Action sheets are not intended to be public information but will provide updates to elected members, who, when appropriate can report back to their communities and constituents.

### 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The outstanding tasks are multi-facet projects that take longer to fully complete.

The Democracy Services staff are working with staff to ensure that the project completion times are updated so that action sheets provided to members differentiate between work outstanding and work in progress.

### Take Tūtohunga / Reason for the recommendation

To provide the Regulatory Compliance Committee with an overview of outstanding committee decisions from 1 January 2020.

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

There are no financial implications or need for budgetary provision in receiving this report.

### ĀPITIHINGA / ATTACHMENTS

1. **RegC Outstanding Actions Report as at July 2021 - A3280036** [↓](#) 

<b>COMPLETED ACTIONS REPORT</b>				
<b>Division:</b> <b>Committee:</b> Regulatory Compliance Committee <b>Officer:</b>			<b>Printed: Thursday, 8 July 2021 9:31:49 AM</b> <b>Date From:</b> 1/07/2020 <b>Date To:</b> 8/07/2021	
- Meeting	Date	Title	Resolution	Notes
Regulatory Compliance Committee 23/03/2021	23/03/2021	Update on Resource Management Act Legislation	<b>RESOLUTION 2021/9</b> Moved: Bay of Islands-Whangaroa Community Board Chairperson Belinda Ward Seconded: Cr Rachel Smith <b>That the Regulatory Compliance Committee receive the report Update on Resource Management Act Legislation.</b> <p style="text-align: right;"><b>CARRIED</b></p>	
Regulatory Compliance Committee 4/05/2021	4/05/2021	Parking Enforcement Services	<b>COMMITTEE RESOLUTION 2021/12</b> Moved: Cr Rachel Smith Seconded: Cr Dave Collard <b>That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 23 March 2021 are a true and correct record.</b> <p style="text-align: right;"><b>CARRIED</b></p> <b>COMMITTEE RESOLUTION 2021/13</b> Moved: Cr Rachel Smith Seconded: Bay of Islands-Whangaroa Community Board Belinda Ward <b>That Far North District Council:</b> a) makes application for the delegation to enforce stationary parking offences on State Highway from Waka	

<b>COMPLETED ACTIONS REPORT</b>				
Division: Committee: Regulatory Compliance Committee Officer:			Printed: Thursday, 8 July 2021 9:31:49 AM Date From: 1/07/2020 Date To: 8/07/2021	
- Meeting	Date	Title	Resolution	Notes
			Kotahi (the New Zealand Transport Agency); and the Regulatory Compliance Committee recommends to Council: b) that it commences a trial period of enforcing stationary vehicle Warrants of Fitness and Registration offences across the district. <p style="text-align: right;"><b>CARRIED</b></p>	

**6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

**7 TE KAPINGA HUI / MEETING CLOSE**