



**Far North  
District Council**



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

# **AGENDA**

## **Regulatory Compliance Committee Meeting**

**Tuesday, 15 March 2022**

**Time: 9:30 am**

**Location: Virtually via Microsoft Teams**

**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 Belinda Ward – Bay of Islands-Whangaroa Community Board Chairperson

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>	<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

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 bookkeeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	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	Opuā 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		



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**Far North District Council**  
**Regulatory Compliance Committee Meeting**  
**will be held in the Virtually via Microsoft Teams on:**  
**Tuesday 15 March 2022 at 9:30 am**

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**Te Paeroa Mahi / Order of Business**

<b>1</b>	<b>Karakia Timatanga – Opening Prayer.....</b>	<b>13</b>
<b>2</b>	<b>Nga Whakapāha Me Ngā Pānga Mema / Apologies and Declarations of Interest.....</b>	<b>13</b>
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<b>4</b>	<b>Confirmation of Previous Minutes.....</b>	<b>14</b>
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<b>5</b>	<b>Information Reports.....</b>	<b>19</b>
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	5.2 District Services Monthly Business Report for January 2022.....	27
	5.3 Building Services BCA Update.....	77
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<b>6</b>	<b>Karakia Whakamutunga – Closing Prayer.....</b>	<b>88</b>
<b>7</b>	<b>Te Kapinga Hui / Meeting Close.....</b>	<b>88</b>



**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**

- Troy Churton

## 4 CONFIRMATION OF PREVIOUS MINUTES

### 4.1 CONFIRMATION OF PREVIOUS MINUTES

**File Number:** A3613850

**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 30 November 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. **2021-11-30 Regulatory and Compliance Committee Minutes - A3508098** [↓](#) 

**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, 30 NOVEMBER 2021 AT 1.01 PM**

**PRESENT:** Chairperson Kelly Stratford, Cr Dave Collard, Cr David Clendon, Deputy Mayor Ann Court, Cr Rachel Smith, Cr John Vujcich, Member Belinda Ward

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

**STAFF PRESENT:** Rochelle Deane (Manager – Environmental Services), Trent Blakeman (Manager – Building Services), Marlema Baker (Democracy Services Advisor).

**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**

**2.1 APOLOGIES AND DECLARATIONS OF INTEREST**

**RESOLUTION 2021/34**

Moved: Cr John Vujcich  
Seconded: Deputy Mayor Ann Court

**His Worship the Mayor John Carter gave apologies and a leave of absence was granted. Cr Rachel Smith gave apologies for lateness.**

**CARRIED**

**3 NGĀ TONO KŌRERO / DEPUTATION**

There were no deputations at this meeting.

**4 CONFIRMATION OF PREVIOUS MINUTES**

**4.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 4.1 document number A3052655, pages 14 - 18 refers.

**RESOLUTION 2021/35**

Moved: Chairperson Kelly Stratford  
Seconded: Deputy Mayor Ann Court

**That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 12 October 2021 are a true and correct record.**

**CARRIED**

## 5 INFORMATION REPORTS

### 5.1 TRADE WASTE MONITORING

Agenda item 5.1 document number A3464313, pages 19 – 24 refers.

#### **RESOLUTION 2021/36**

Moved: Member Belinda Ward

Seconded: Cr Dave Collard

**That the Regulatory Compliance Committee receive the report Trade Waste Monitoring.**

**CARRIED**

Cr Rachel Smith joined the meeting at 1:20 pm.

### 5.2 ALCOHOL LICENSING UPDATE

Agenda item 5.2 document number A3468766, pages 25 – 46 refers.

#### **RESOLUTION 2021/37**

Moved: Member Belinda Ward

Seconded: Cr John Vujcich

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

**CARRIED**

### 5.3 UPDATE REPORT: ENVIRONMENTAL SERVICES MONITORING AND COMPLIANCE

Agenda item 5.3 document number A3471997, pages 47 – 51 refers.

#### **RESOLUTION 2021/38**

Moved: Cr Dave Collard

Seconded: Member Belinda Ward

**That the Regulatory Compliance Committee receive the report Update Report: Environmental Services Monitoring and Compliance.**

**CARRIED**

### 5.4 DISTRICT SERVICES MONTHLY BUSINESS REPORT FOR OCTOBER 2021

Agenda item 5.4 document number A3480356, pages 52 - 103 refers.

#### **RESOLUTION 2021/39**

Moved: Deputy Mayor Ann Court

Seconded: Cr John Vujcich

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

**CARRIED**

**5.5 BUILDING SERVICES UPDATE**

Agenda item 5.5 document number A3481456, pages 104 - 105 refers.

**RESOLUTION 2021/40**

Moved: Cr Rachel Smith  
Seconded: Cr John Vujcich

**That the Regulatory Compliance Committee receive the report Building Services update.**

**CARRIED**

**5.6 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE NOVEMBER 2021**

Agenda item 5.6 document number A3479035, pages 106 - 107 refers.

**RESOLUTION 2021/41**

Moved: Cr Rachel Smith  
Seconded: Cr John Vujcich

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

**CARRIED**

**6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Chair Kelly Stratford closed the meeting with a karakia.

**7 TE KAPINGA HUI / MEETING CLOSE**

The meeting closed at 2:09 pm.

The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 1 February 2022.

.....  
**CHAIRPERSON**

## 5 INFORMATION REPORTS

### 5.1 RESOURCE CONSENT UPDATE

**File Number:** A3583043

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

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

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update to the committee on Resource Consents.

This report covers the period 1 July 2021 to 31 January 2022, the period since the last committee report was received; it includes:

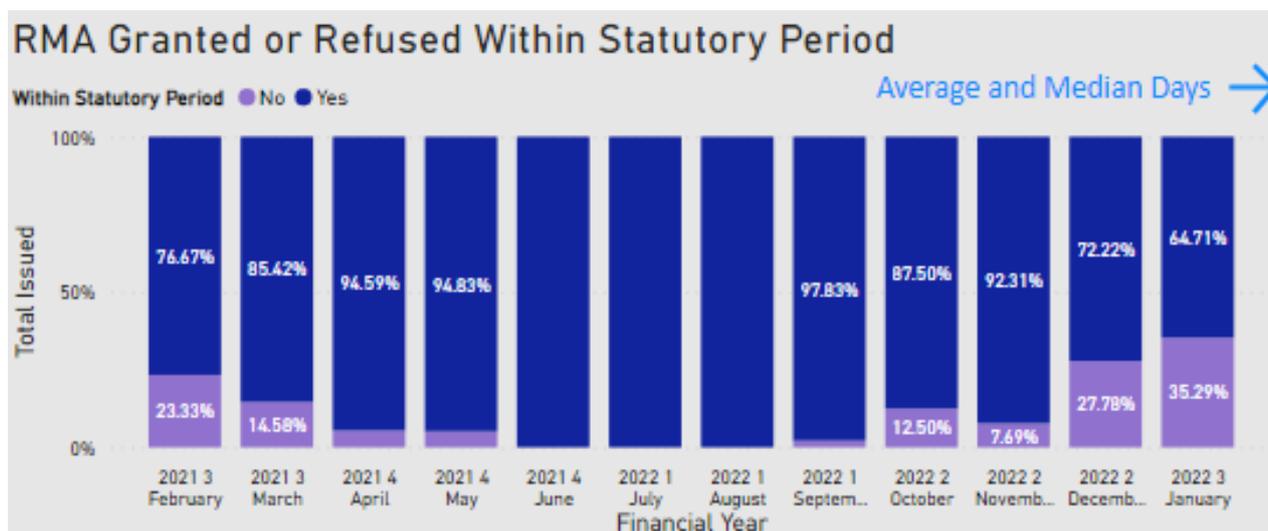
- The number of Resource Consent Applications received
- Environmental Court Issues
- The number of s92 (requests for further information)
- The number of s37 (extensions of time)
- The number of s88 (applications rejected)
- Status of discounts
- Report on implementation of regulatory matters arising from Mana Whakahono-ā-rohe under RMA Management

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Processing a resource consent application within the statutory time frames set by the Resource Management Act 1991, is compulsory. The onus is on councils to ensure statutory time limits are met, which is particularly important to Council to avoid having to apply discounts under the Act discount regulations. In addition, there is also a requirement to ensure that any process is timely, efficient, consistent, and cost effective, and to 'avoid unreasonable delay'.

A total of 551 resource consent applications have been received between 1 July 2021 and 31 January 2022. This is 111 more applications than received for the same period in 2020/21, a 25% increase.

The high volume of applications coupled with staff vacancies and a reduction in capacity of processing consultants has resulted in Council being unable to allocate many applications in a timely manner, thus having a negative effect on statutory time frame compliance.



#### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report Resource Consent Update.**

## **TĀHUHU KŌRERO / BACKGROUND**

The number of applications for resource consents received by Council continues to increase - a trend that is expected to continue for the rest of 2021/2022.

The number of unallocated applications has been increasing and at the end of January 2022 there were 130 applications lodged but unallocated within Council's systems dating back to 24 November 2021. As a result, statutory compliance has dropped to a low of 64.71% in January 2022 after reaching and maintaining 100% in June, July, and August 2021.

There have been several resignations recently for a variety of reasons and the resource consent team is currently recruiting for both planners and Resource Consent engineers. There is a shortage of planners and a demand for them across the country. The current labour market is very strong, and consultancies are actively marketing and offering attractive packages for experienced planners/staff.

Early in the year, the team managed to meet 100% statutory timeframes by heavily relying on consultant planners. However, due to the large amount of private work available, consultancies are choosing to undertake this work which pays higher than processing for Council. The Resource Consents team are actively seeking additional consultant planner and engineering capacity further afield. An additional Team Leader has also been recruited on a fixed term basis for two years to manage and engage further consultants; this role started 10 January 2022.

The Team Leaders have engaged with other councils who have experience in having a similar influx of consents prior to their Proposed District Plan being notified, to address alternative ways of managing the current high volumes and manage the situation as best we can for customers and staff.

The release of the proposed District Plan will require additional assessment on each application to give effect to both the Operative District Plan and the Proposed District Plan to weigh each decision according to both frameworks. Additional time required on each application will vary based on the complexity of the application and the experience of the Planner.

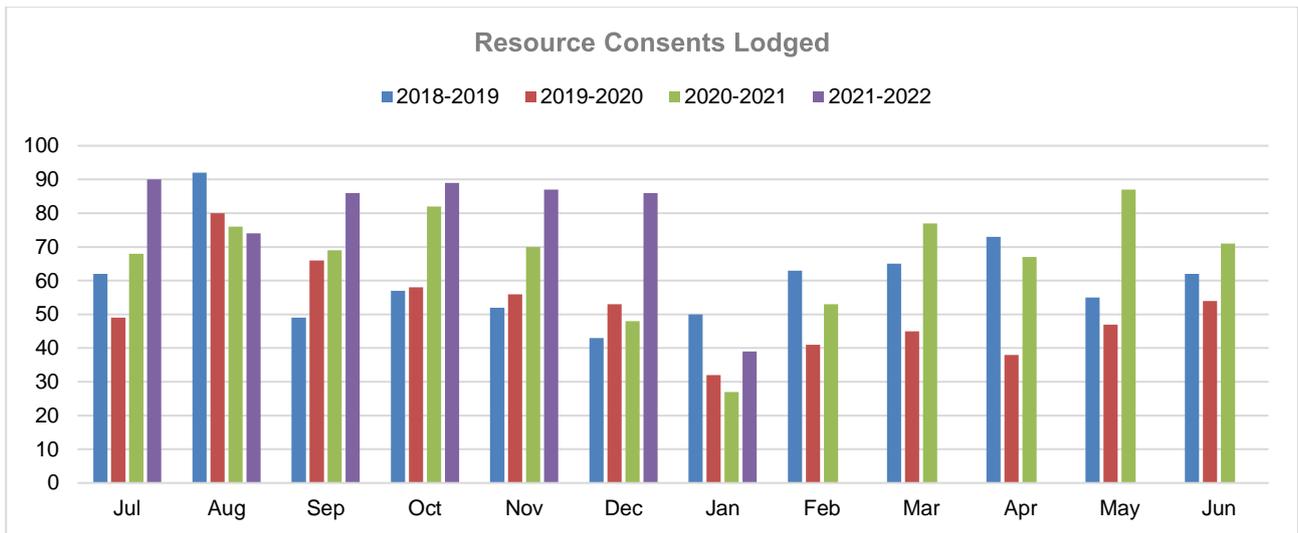
A further option being explored is to employ 'Planners Assistants' to provide high level support to the processing planners. This role would undertake planning checks, prepare letters, and assist in the post approval process. It is expected that this role will be easier to recruit to, decrease processing time and be largely cost recoverable. At the time of writing this report, this role is being job sized. Team Leaders are applying s37 of the RMA to extend processing timeframes where possible.

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

### **Number of Resource Applications Received**

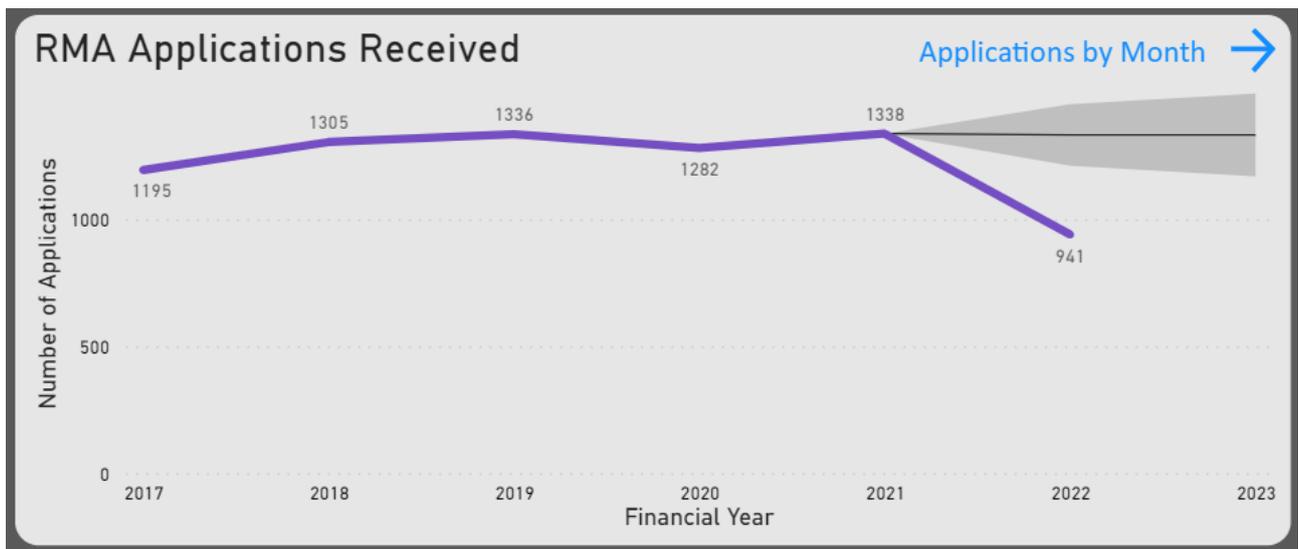
A total of 551 resource consent applications have been received between 1 July 2021 and 31 January 2022. This is 111 (or 25%) more applications than received for the same period in 2020/21.

The figure of 551 applications is the volume of consents processed that Council are obliged to report to the Ministry for the Environment (MfE) on meeting the statutory timeframes.



It is usual for January to be a slower month for applications received and is not likely to be the start of a tail off. It is expected that applications will increase again during February ahead of the release of the proposed District Plan.

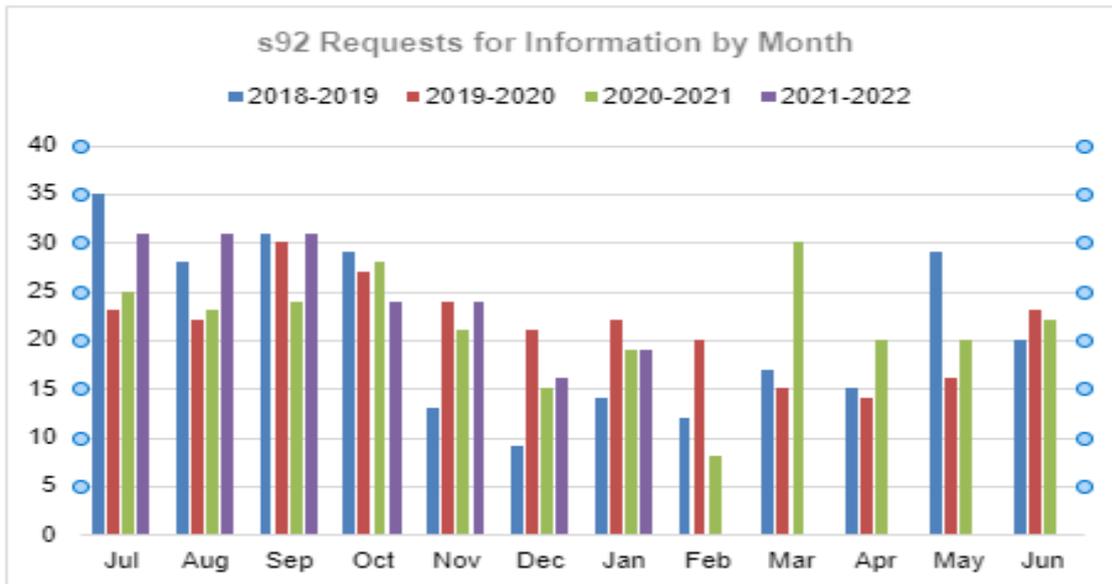
The following graph shows the total number of applications received by year since 2017. This number includes applications received under the Resource Management Act and the Local Government Act (LGA). There has been an upward trend in the volume of applications received since 2016 with a slight decrease in 2020 due to the pandemic and nationwide lockdown. The 2022 figure shows the total number of applications received from 1 July 2021 to 31 January 2022.



**The number of s92 (requests for further information)**

Section 92 of the RMA allows councils to request further information from an applicant before making the decision to refuse or grant consent. It can also be used to commission a specialist’s report. A s92 request is made when the council’s planner does not have adequate information to make a decision on the proposal; they need further information to fully understand what is proposed and how the proposal fits with planning rules, objectives, and policies.

There were 176 s92 requests between 1 July 2021 and 31 January 2022, compared with 155 for the same period the year prior. This increase is reflective of the higher volume of applications received.



**The number of s37’s (extensions of time)**

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

Under s37(a)(4), a council can extend a time limit (relating to the stated matters) for up to double the maximum period specified in the Act when:

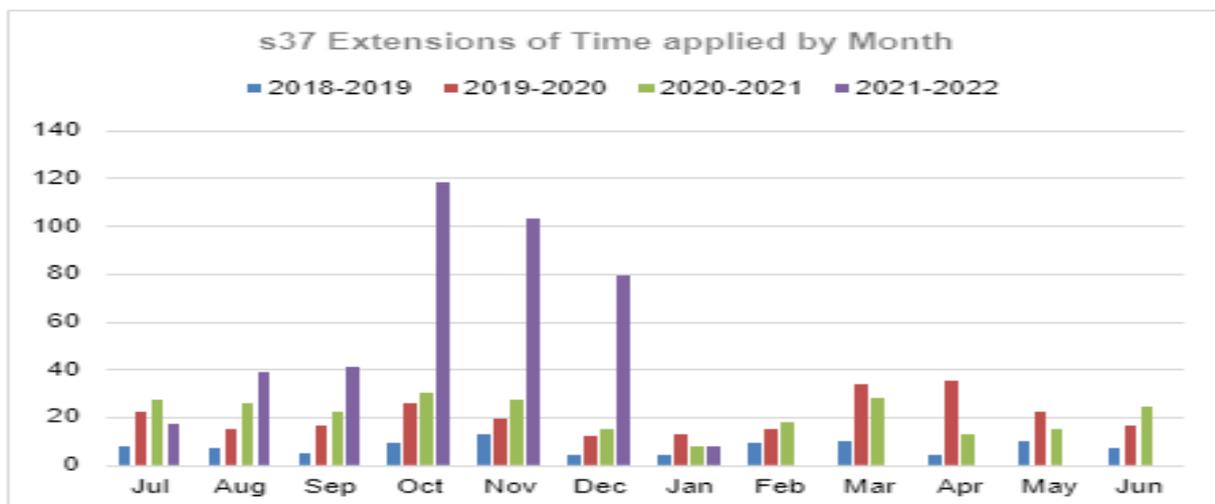
- special circumstances apply (including special circumstances existing by the scale and complexity of the matter); or
- the applicant agrees to the extension.

There were 405 applications placed on s37 between 1 July 2021 and 31 January 2022, compared with 155 for the same period the previous year.

The high number of applications on s37 hold since October 2021 is in response to the higher number of applications received in this period. Initially s.37 was applied to most applications with applicant agreement.

Section 37 is now applied to those applications that require engineering input, historic heritage or customary/cultural limitations – special circumstances that relate directly to the matter.

The lower number in January is reflective of the drop in applications received for this month.



### The number of s88 (applications rejected)

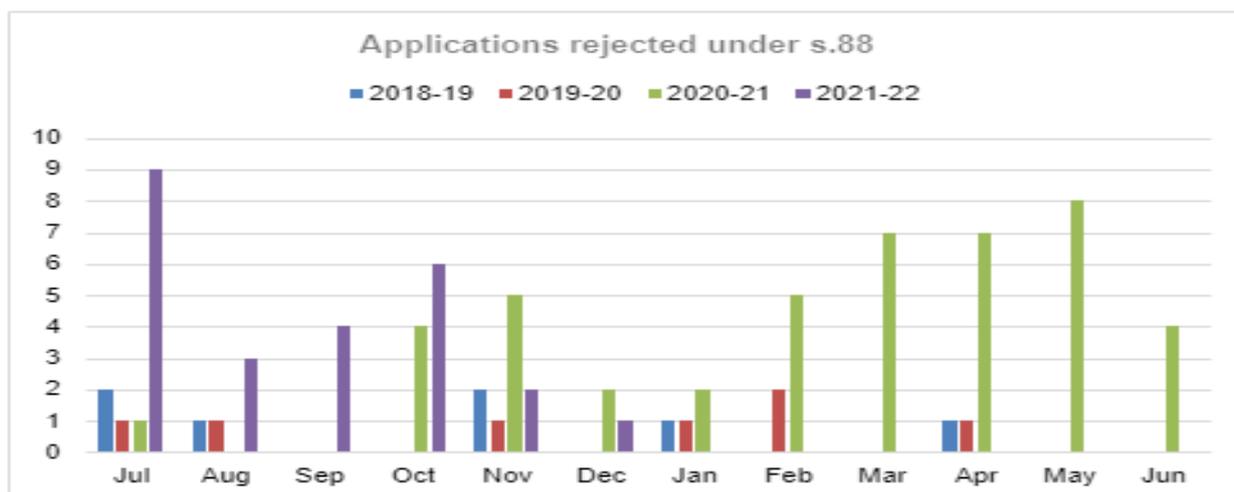
Section 88 and Schedule 4 of the RMA state what information an application and supporting Assessment of Environmental Effects (AEE) must contain to be considered complete and therefore acceptable to be processed. The RMA provides a 10-working day timeframe to assess the application under s88 to determine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

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

Between 1 July 2021 and 31 January 2022 there were 25 applications rejected under section 88, compared with 14 for the same period in 2020/21.

This increase would be largely in line with the increased volume of applications received.

The Resource Consent team continues to take a strong line on applications being received that are not meeting Schedule 4 of the RMA (the required criteria). The quality of applications also has implications on meeting statutory timeframes and how often s92 or s37 is applied. Time delays and cost are the biggest complaints received from applicants. By ensuring that s88 assessments are efficiently undertaken early in the process, the Team can increase the quality and timeliness of their decisions while meeting the expectations of the applicants.



### 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 the period 1 July 2021 and 31 January 2022 is \$4,776.02. For the same period last year there had been \$41,202.29 applied. This result is reflective of the team meeting statutory timeframes in the earlier part of the year and the delays in sending out final invoicing. It is expected that from February 2022 discounts applied will be significantly increased reflecting the decrease in meeting statutory time frames.

Staff overtime payments are significantly higher than for the same period last year with payment of \$13,769.39. Overtime is not a requirement expected of staff to increase statutory compliance, has been applied in order to progress the allocating and completion of processing.

Month	Total RC Discounts and Overtime GST Inclusive			Overtime
	2020/2021	Overtime	2021/2022	
July	\$11,085.28	\$305.31	\$2,835.39*	\$1,167.12

August	\$7,503.62	\$284.84	\$0	\$3,307.07
September	\$1,241.74	\$0	\$0	\$4,656.62
October	\$7,167.38	\$511.07	\$0	\$3,310.38
November	\$3,594.05	\$0	\$0	\$792.52
December	\$2,147.36	\$0	\$1,940.63	\$535.68
January	\$8,462.86	\$0	\$0	\$0
<b>Subtotal</b>	<b>\$41,202.29</b>	<b>\$1,101.22</b>	<b>\$4,776.02</b>	<b>\$13,769.39</b>
February	\$532.70	\$0		
March	\$1,822.10	\$62.53		
April	\$211.79	\$1,905.66		
May	\$321.70	\$1,081.07		
June	\$0	\$762.25		
<b>Year End Total</b>	<b>\$44,090.58</b>	<b>\$4,912.73</b>		

\*July 2021 discount was due to an historical invoice from 2020/21 period.

### Environment Court Issues

There have been no hearings or appeals between 1 July 2021 and 31 January 2022.

### Mana Whakahono ā Rohe

The purpose of a Mana Whakahono ā Rohe is—

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

Whakahono ā Rohe was introduced as part of the amendments to the Resource Management Act in 2017.

Initiating a Mana Whakahono agreement is up to the individual Iwi Authority.

On 19 August 2021 a formal initiation from Ngāpuhi was received by FNDC. The timeframe for concluding Mana Whakahono ā Rohe is 18 months from initiation unless otherwise agreed.

Once any agreements are reached under this section, the Resource Consents Team then have a role as the team that processes consents.

An internal hui was held on 28 February 2022 with relevant disciplines to develop further awareness, understanding and initial responses to this important responsibility. Further work will follow to create a draft document for consideration.

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

There are no financial implications associated with this report.

### ĀPITIHINGA / ATTACHMENTS

Nil

**Hōtaka Take Ōkawa / Compliance Schedule:**

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

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

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / 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 Resource Management Amendment Act 2020 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. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	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

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.

## 5.2 DISTRICT SERVICES MONTHLY BUSINESS REPORT FOR JANUARY 2022

**File Number:** A3600055

**Author:** Maggie Thomas, Executive Assistant to General Manager

**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 January 2022.

### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report District Services Monthly Business Report for January 2022.**

### 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

There are no financial or budgetary provision associated with this report.

### ĀPITIHINGA / ATTACHMENTS

1. District Services Monthly Business Report - January 2022 - A3598633  



**DISTRICT SERVICES  
MONTHLY  
BUSINESS REPORT**

**January 2022**

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

## 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 have transitioned to a new measurement system for Customer Experience feedback. AskNicely is our new measurement tool, which is customer friendly, easy to use and simpler.

### 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 taonga whenua as kaitiaki

## Executive Summary

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This District Services Monthly Business Report provides a summary of progress and highlights for the month of January 2022. The District Services Group achieved several successes and made good progress in the following areas:

### Community and Customer Services

#### Libraries and Museum

The new self-service kiosks that enable library users to check out their own books, magazines and other library materials are a hit with customers – in the first four days of service 1,643 items were self-served and usage is increasing daily.

#### i-SITEs

January figures are down which reflects the COVID-19 situation. The three weeks of the Christmas Holidays were busy, but most visitors have left the area now. Most activities are reducing their offerings but are flexible, so if there is a need for more capacity, they can provide it. There is a new boat trip which is a fast trip to the Hole in the Rock which is proving very popular along with parasailing and fishing.

#### Customer Care

Due to the later start to the year (10 January) some statistics such as Building Inspections Booked and Service Centre Walk-ins have been impacted. Work has been done on contingency plans to ensure first point of contact services for customers are kept running should staff be affected by COVID-19.

#### Housing for the Elderly

During January one tenancy started in Kaikohe and no tenancies ended. The demolishing of the Oxford Street units has progressed well. The contractors, when a visit was undertaken in January, were clearing the remains of the units.

#### Cemeteries

There were 13 burials across the district in January this number includes four ash burials. There are 25 ash burials remaining on hold at the end of the month.

#### Events

Because of COVID-19 Red traffic light restrictions, a number of events have been cancelled with more likely to follow.

### Building Consents

The Building Consent Authority (BCA) has received 96 consents for the month of January which is the second highest tally in the past 6 years. Compliance remains at 100% with the BCA issuing consents, on average, in 10 days with 85 issued in January. Code compliance certificates are also tracking at 100% compliance, with code compliance certificates (CCCs) issued, on average, in 6 days. 58 code compliance certificates were issued in January.

The Territorial Authority (TA) is continuing with inspections in the current COVID-19 environment and will address the recommendations provided by MBIE in the recent compliance audit during February.

## Environmental Services

### Resource Consents

Resource Consents (RC) achieved 64% compliance with statutory timeframes for January with 12 consents going over statutory timeframes.

68 applications were received in January 2022. This consists of 39 applications under the Resource Management Act 1991 (RMA), reported as part of statutory timeframes and the remaining 29 were applications under the RMA (not counted) and the Local Government Act (LGA) and the Sale and Supply of Alcohol Act 2012.

The high volume of applications in the latter half of 2021, coupled with staff vacancies and a reduction in capacity of consultants processing applications has resulted in Council being unable to allocate applications in a timely manner. This trend is anticipated to continue into the fourth quarter of the financial year. Team Leaders have applied s37 of the RMA to extend processing timeframes where possible and are investigating alternative ways of improving on the statutory compliance performance.

### Monitoring and Compliance

Monitoring and Compliance received 86 Requests for Service (RFSs) in January 2022, a decrease of 29 RFS on the previous month, reflecting the holiday close-down period.

There were 146 noise complaints received and responded to in January. This is 43 more than the preceding month. Response times of 82% were seen for urban areas and 85% were met in rural areas against a KPI target of 95%, a good improvement on the preceding month. This is a challenging KPI due to the remoteness and size of the district and will be reviewed during contract renewal in 2022.

44 parking infringements were issued during the month, with a financial value of \$1,171.

### Environmental Health

A total of 24 Food Verification audits were completed in January 2022.

Environmental Health are tracking well regarding the licensed premises level of service. 41.7% of licensed premises have been visited, leaving 136 premises to be visited by 30 June 2022. The level of service target is that 25% of licensed premises are visited once every four years and the team carry out these visits on an annual basis.

The number of visits carried out by the team in January 2022 are lower due to the team not returning from the summer break until 10 January 2022.

### Animal Management

224 RFSs were received for Animal Management in January 2022; 46 urgent and 178 non-urgent.

Animal Management Officers continue to respond to requests within level of service agreed times ( $\geq 93\%$ ). With some Animal Management RFSs from the Christmas break not actually logged until late January, a lower response (78.3%) was recorded. However, Animal Management Officers responded to all RFSs over that period. A 95.5% response rate was recorded for non-urgent responses.

21 dogs were impounded in January, resulting in 9 being claimed by their owners, 1 dog taken by a Rescue Group and 3 being adopted out to new homes. A total of 7 dogs were euthanised in January due to not being claimed by an owner and not meeting criteria to be rehomed.

## 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 – January 2022

### Libraries and Museum

The new self-service kiosks that enable library users to check out their own books, magazines and other library materials are a hit with customers – in the first four days of service 1,643 items were self-served and the usage is increasing daily. Staff are actively guiding users through this process and reporting many positive customer comments about the convenient ease of use. Our Outreach Library has been getting around the Far North this summer on the outreach van, including stops at Opononi pop-up library, Urupukapuka Island Library, and Towai Markets on Sundays.



The Museum is hard at work with image production and post-production to support the digitisation project, with great work on-par with Te Papa artifact imagery quality being produced.

### i-SITES

January figures are down which reflects the COVID-19 situation. The three weeks of the Christmas Holidays were busy, but most visitors have left the area now. Auckland / Northland Anniversary weekend brought more visitors to the Bay of Islands and the Hokianga. There were large family groups and Paihia saw 1,500 people on the Saturday. Retail is going well in Hokianga with good support from both visitors and locals.

Most activities are reducing their offerings but are flexible, so if there is a need for more capacity, they can provide it. There is a new boat trip which is a fast trip to the Hole in the Rock which is proving very popular along with parasailing and fishing. Customers are gradually getting used to wearing masks and having vaccine passports ready when necessary.

### Customer Care

Council had a later start to the year than usual (10th January) to enable staff to have a longer break. This has impacted some statistics such as Building Inspections Booked and Service Centre Walk-ins.

Work has been done on contingency plans to ensure first point of contact services for customers are kept running should staff be affected by COVID-19.

Of the three staff seeking redeployment within the organisation, all three have been successful. This is a great outcome in keeping skilled staff in the organisation.

### Housing for the Elderly

During January one tenancy started in Kaikohe and no tenancies ended. There was a feral cat problem at the Ahipara village and on visiting, tenants said that cats were being dumped at the units. One of the caring tenants had been feeding them and had managed to rehome several of the kittens herself but did not know what to do with the rest. NRC had been in touch and dropped off traps to help with the capture of the cats. Follow ups have been conducted with the tenant and with the help of the BOI animal rescue, they have managed to capture the original female adult and all the kittens. They are still working on the remaining adult cats. At this stage they do not require any assistance from FNDC.

The demolishing of the Oxford Street units has progressed well and when visiting in January, the contractors were clearing the remains of the units (photo attached).

Debt management continues, noting that towards the end of the year, with the financial burden of Christmas and the holidays, there is a trend for some rent payments to go into arrears.

*Contractors clearing out the remainder of debris following the demolition of three units at the Oxford Street, Kaitia Village.*



**Cemeteries**

There were 13 burials across the district in January, including four ash burials. There are 25 ash burials remaining on hold at the end of the month. There was an expected increase in the number of enquiries as people return home during the holiday period and visit our cemeteries and want to locate the graves of family members.

**Events**

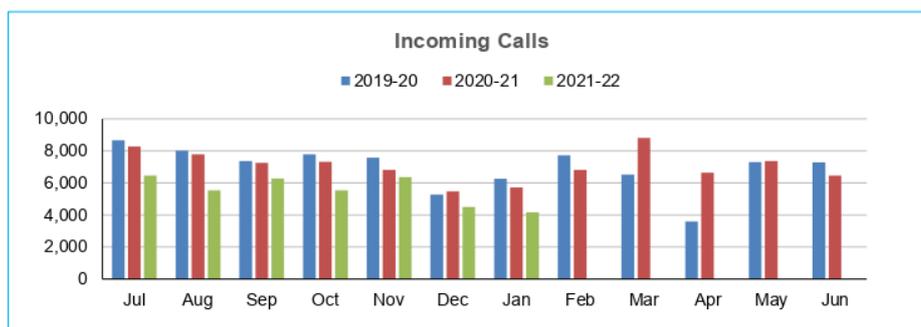
Because of COVID-19 Red traffic light restrictions, a number of events have been cancelled and more will possibly be cancelled. Council has also been notified that the Mangonui Waterfront Festival scheduled for 2 April 2022 will not go ahead.

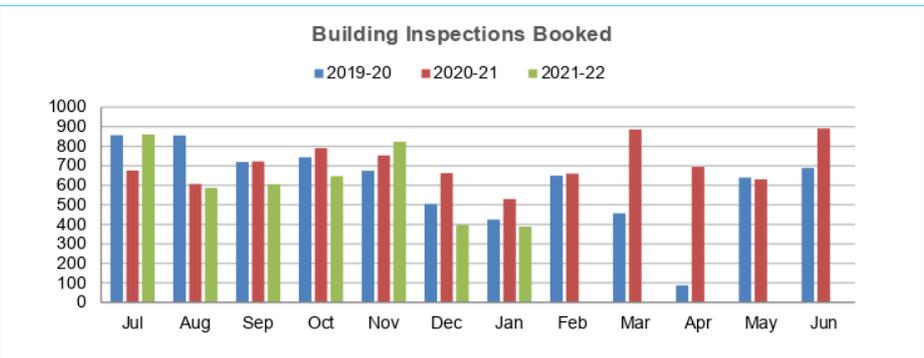
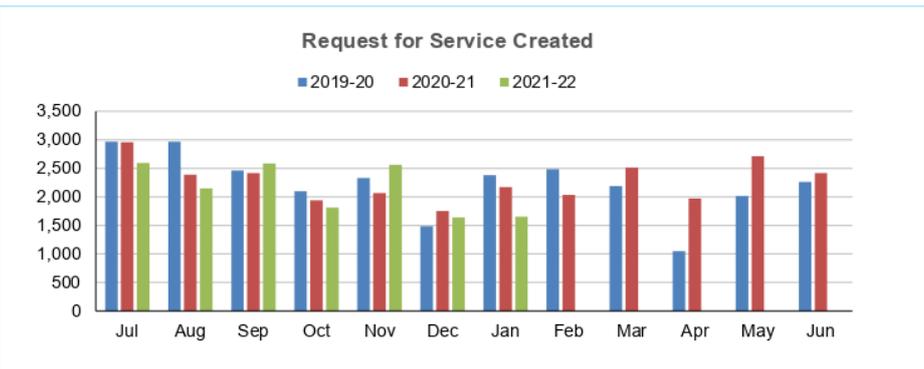
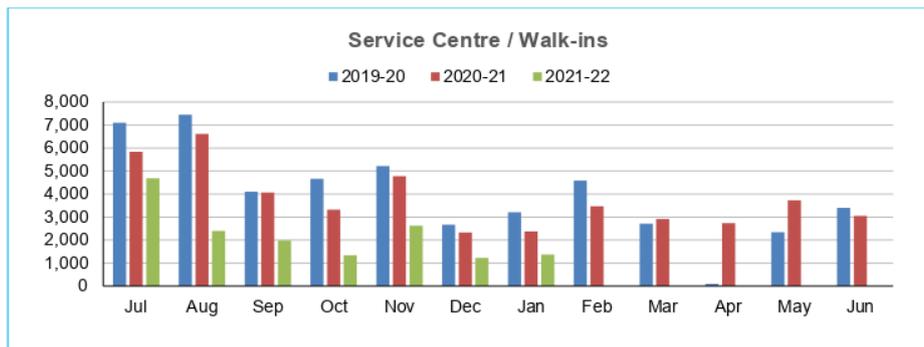
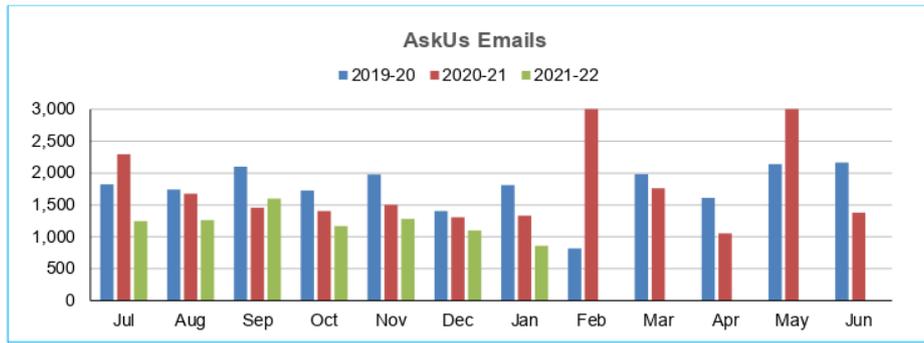
**Customer Care**

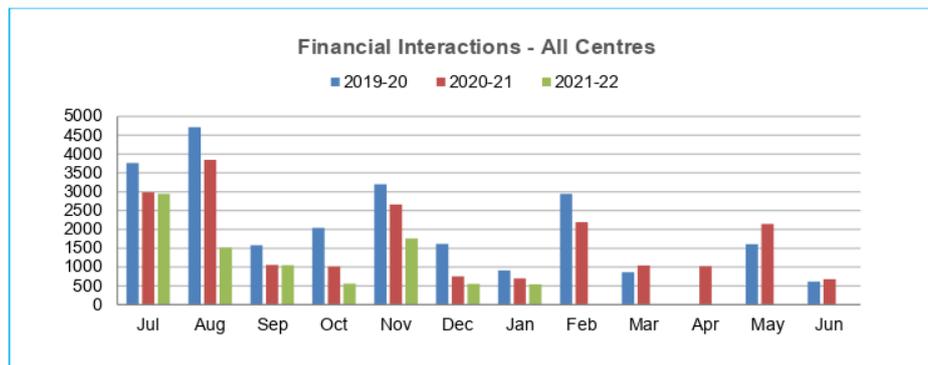
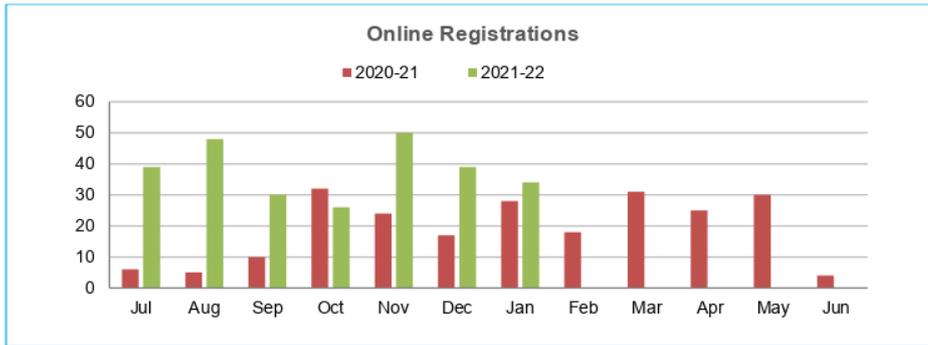
Customer Care consists of 2 teams: Contact Centre and Service Centre staff. As well as receiving calls from customers, the Contact Centre staff are also responsible for responding to emails from customers (AskUs Emails), managing online customer registrations and actioning change of address requests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

Comparison of January 2022 with January 2021.

- 27.26% decrease in calls to the Contact Centre (4,154 down from 5,711)
- 35.46% decrease in AskUs emails received (859 down from 1,331)
- 42.31% decrease in visits to Service Centres (1,369 down from 2,373)
- 26.46% decrease in building inspections booked (389 down from 529)
- 21.43% increase in online registrations (34 up from 28)
- 22.88% decrease in financial interactions at Service Centres (536 down from 695)





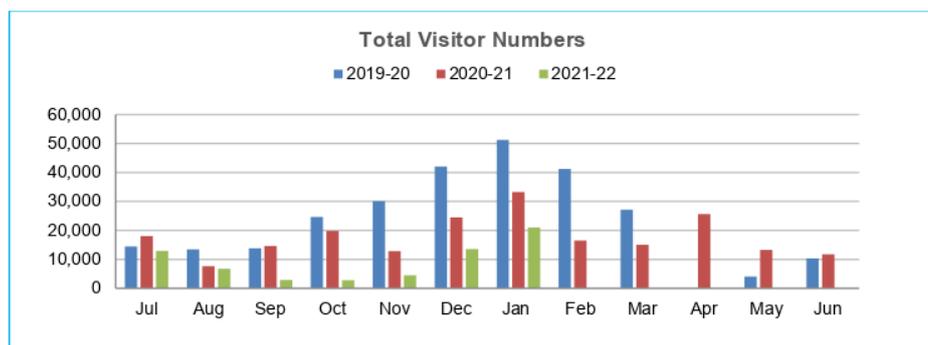


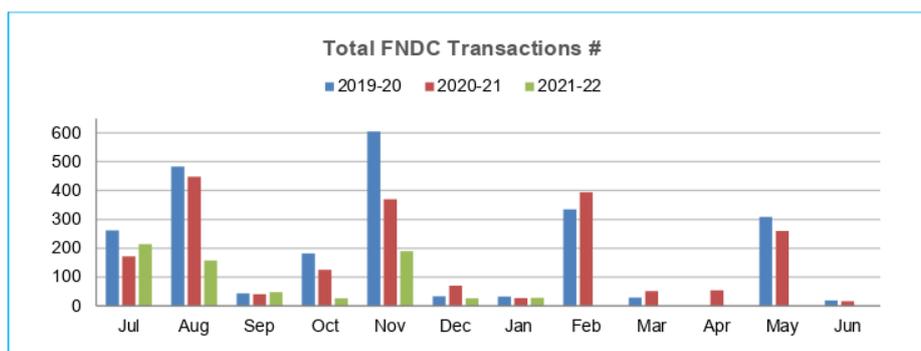
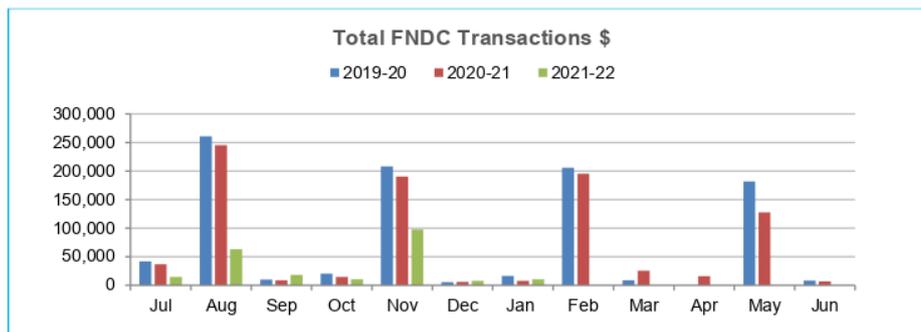
**i-SITES**

FNDC’s three i-SITES are located in Kaitaia, Opononi and Paihia. As well as servicing visitors, the i-SITES function as local service centres where residents and ratepayers can register dogs, pay their rates, and make general enquiries about council services.

Comparison of January 2022 with January 2021.

- 36% decrease in visitor numbers (20,981 down from 33,270)
- 44% decrease in retail revenue (\$10,315 down from \$18,753)
- 30% decrease in transaction spend (\$21,544 down from \$30,95)
- 35% decrease in transaction numbers (5,730 down from 8,825)



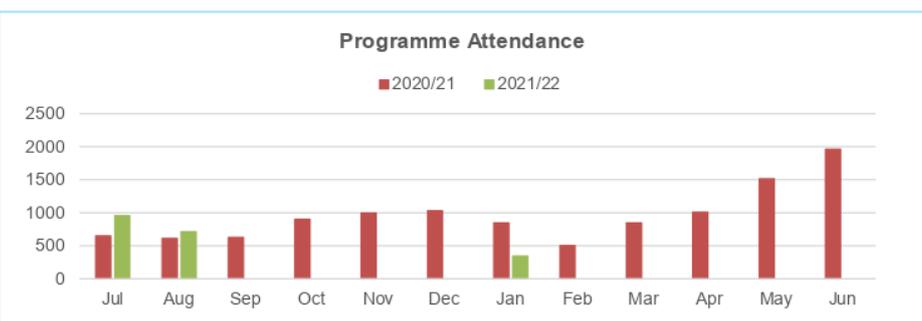
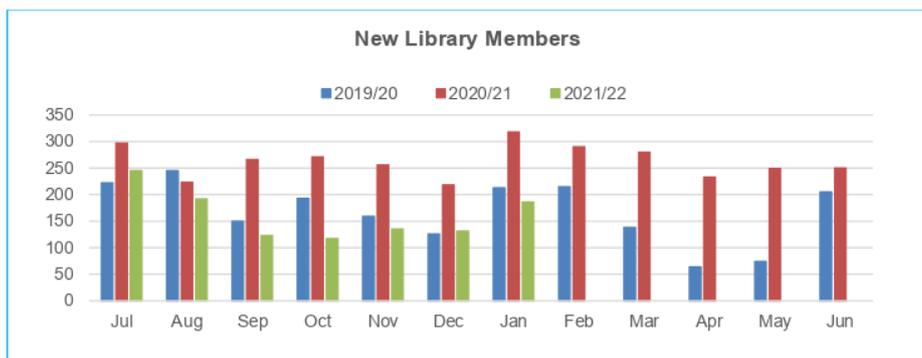
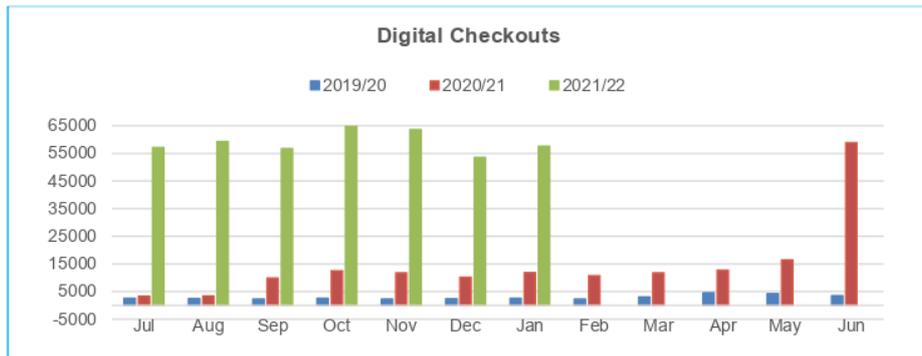
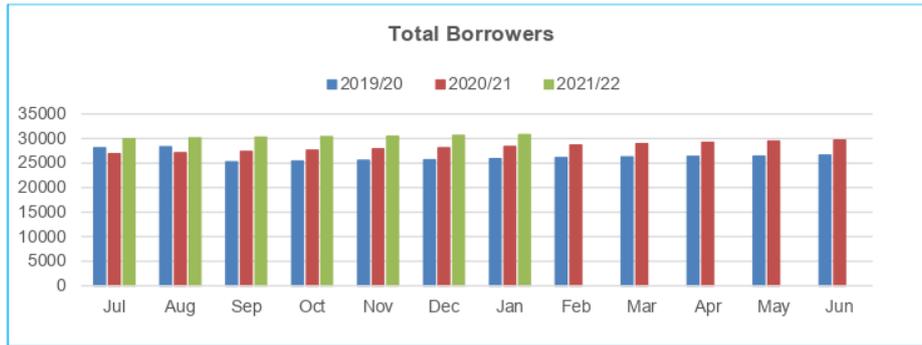


**Libraries**

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 January 2022 with January 2021.

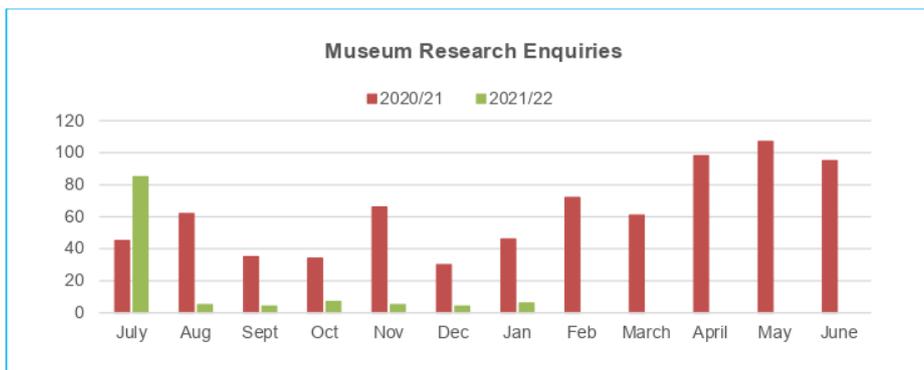
- 385.7% increase in ebook and audio downloads (57,552 up from 11,849)
- 4.7% decrease in library website sessions (32,669 down from 34,309)
- 70.3% increase in digital checkouts (98,681 up from 57,955)



No programmes were run from September 2021 through to December 2021 due to Covid19 restrictions. Programmes that were on offer in January 2022 include Tamariki Tune Time, Robotics, Lego club, Minecraft, Virtual Reality, and Storytime.

**Museum**

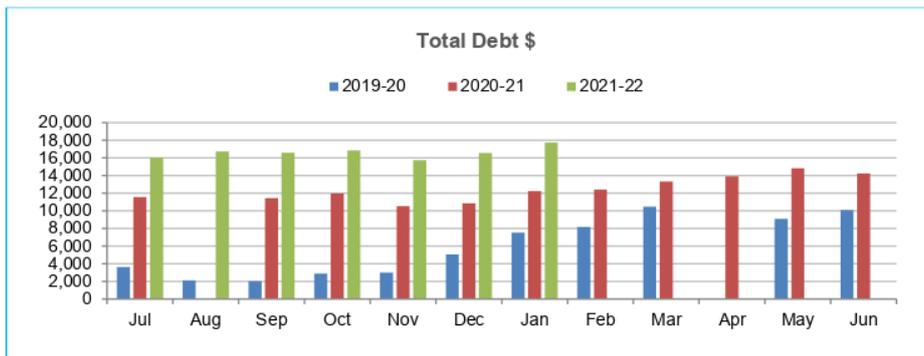
The Museum @ Te Ahu (formerly known as the Far North Regional Museum) was established in 1969 with the purpose of collecting and preserving treasures and taonga relating to the history of the Far North. It is located in the Te Ahu complex in Kaitiāia.



**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.

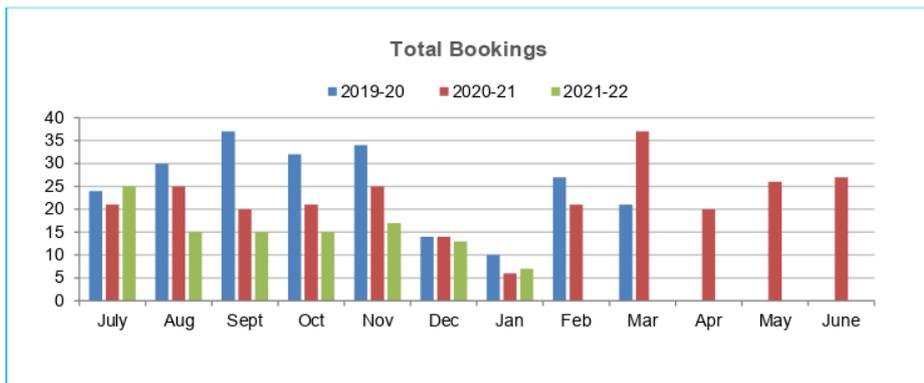


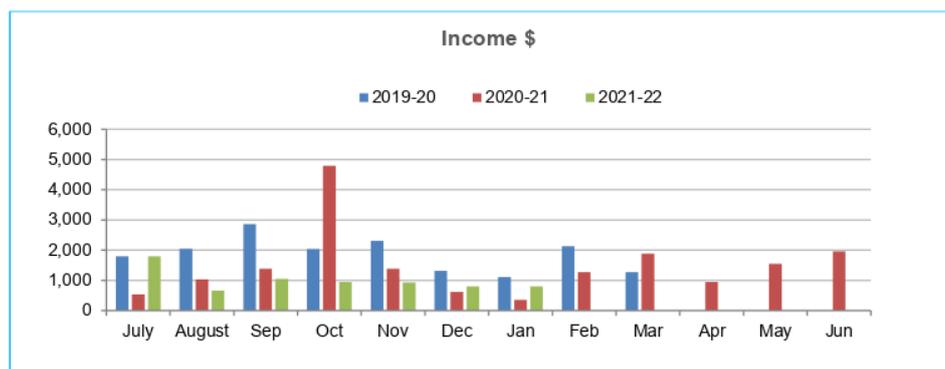


\*The Total Debt shows rent arrears

**Memorial Hall**

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

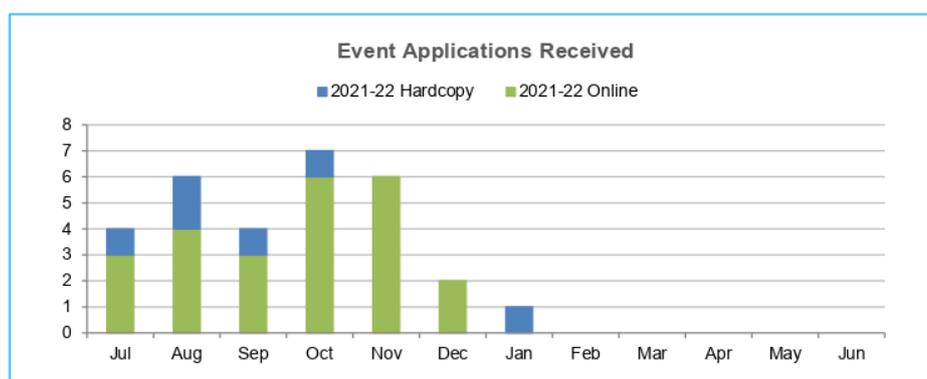




## Events

Booking events with FNDC is now available online. Permits are issued to applicants for the use of Council's open spaces for many kinds of activities such as weddings and other family events, sporting events, circuses, fairs, and large community events.

One hardcopy event application was received in January.



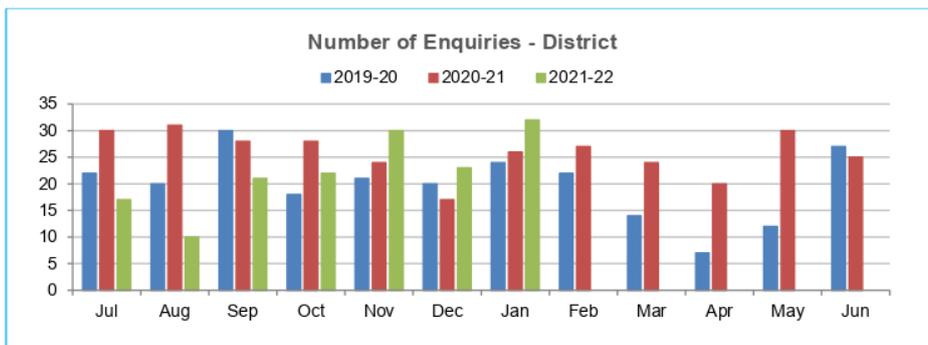
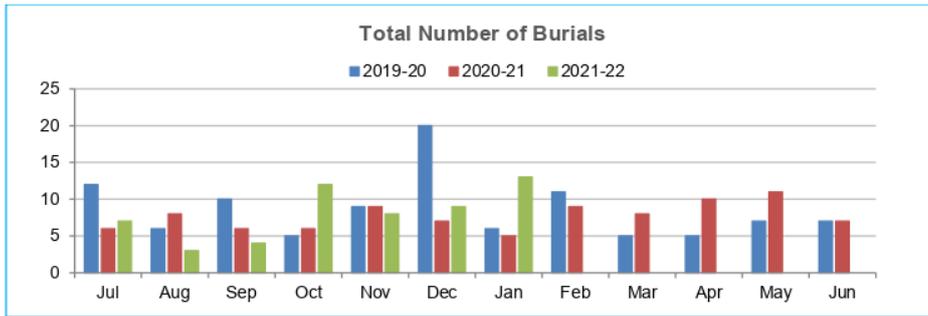
The schedule below contains the new event applications received along with events that have been cancelled or postponed in January.

Date of Event	Place of Event	Name of Event
Wednesday 2 February 2022	Puheke Beach Reserve	Wedding Ceremony
Saturday 12 February 2022	Johnson Park, Kawakawa	Baby Shower
Tuesday 22 February 2022	Opononi Waterfront Reserve	Wedding Ceremony
Friday 4 February 2022	Whangaroa Esplanade Reserve	Commemorating Te Tiriti o Waitangi in Whangaroa
Friday 11 November 2022	Rangiputa Beach Reserve	Wedding Ceremony
31 January - 8 February 2022	Shippies and the Island - Waitangi	Event Cancelled E Tu Tamariki/Tiaki Whakapapa/Whakatupu Rangatira
Thursday 17 March 2022	Russell Village Green	Event Cancelled BDO Tour of Northland Cycle Challenge 2021

Friday 18-19 March 2022	Kerikeri Domain	Event Cancelled BDO Tour of Northland Cycle Challenge 2021
Saturday 12 February 2022	Kerikeri Domain	Event postponed until change to Orange Light Kerikeri Car Show

**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.



## 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 – January 2022**

The BCA has received 96 Building consents for the month of January which is the second highest tally in the past 6 years. Compliance remains at 100% with the BCA issuing consents, on average, in 10 days with 85 issued in January. Code compliance certificates are also tracking at 100% compliance, with code compliance certificates (CCCs) issued, on average, in 6 days. 58 code compliance certificates were issued in January.

BCA audits are being completed as part of business as usual. This will aid in any work required to complete the upcoming audit in October. Depending on the COVID-19 situation in October, IANZ has signalled that they may perform the audit remotely.

The Territorial Authority (TA) is continuing with inspections in the current COVID-19 environment and will address the recommendations provided by MBIE in the recent compliance audit during February.

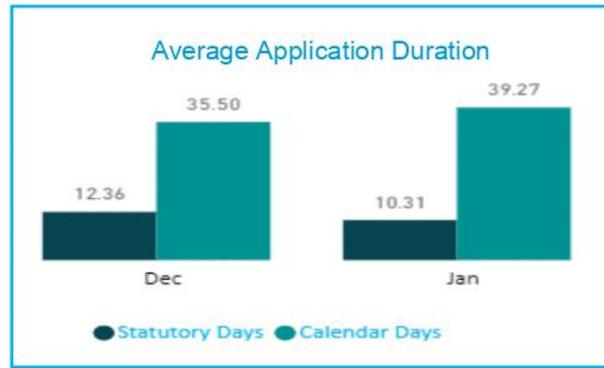
**Levels of Service**

**Building Consent Authority (BCA)**

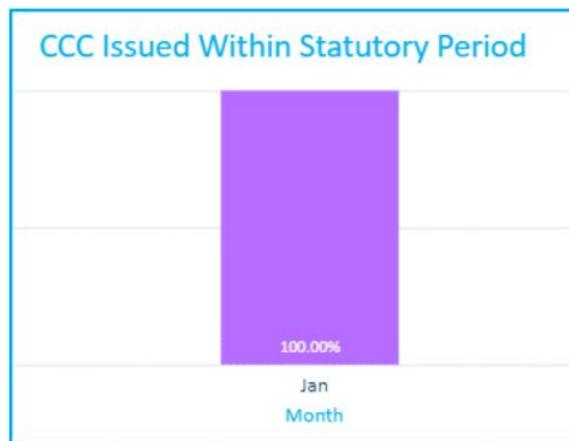
Building consent processing has achieved 100% compliance for the month of January. A total of 85 consents were granted in January.



Both the average statutory and calendar days to issue a consent decreased in January. Consent numbers remain steady, and all processing resources are working to capacity to achieve this decrease.



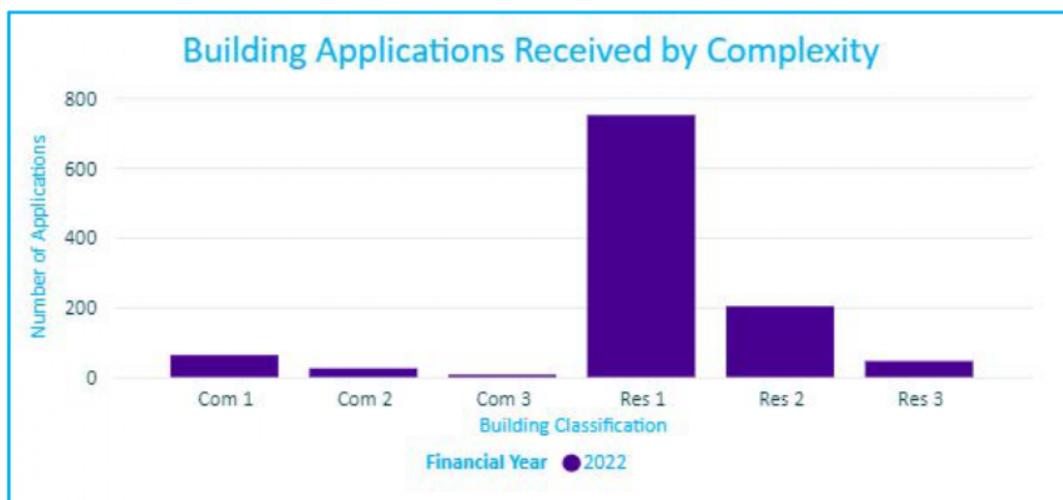
The BCA has achieved a 100% compliance rate for the month of January for issuing code compliance certificates. A total of 58 certificates have been issued.



The number of consent applications received decreased from 161 in December to 96 in January. This is the usual trend after the Christmas break. However, this is still 13 applications higher than January 2021 and 4 applications higher than the 4-year average.



The dashboard below shows the building consent applications completed by category. Residential 1 (Res 1) applications continue to dominate the current workload of the BCA with a total of 750 Res 1 applications received for the 2022 financial year. The commercial sector remains steady with a total of 95 commercial applications received for the current financial year.



### Building Compliance

The Building Compliance Team (part of the Territorial Authority) 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 manages the spheres of Building Compliance, Building Warrant of Fitness, swimming pools, Certificates of Acceptance and Exemptions.

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

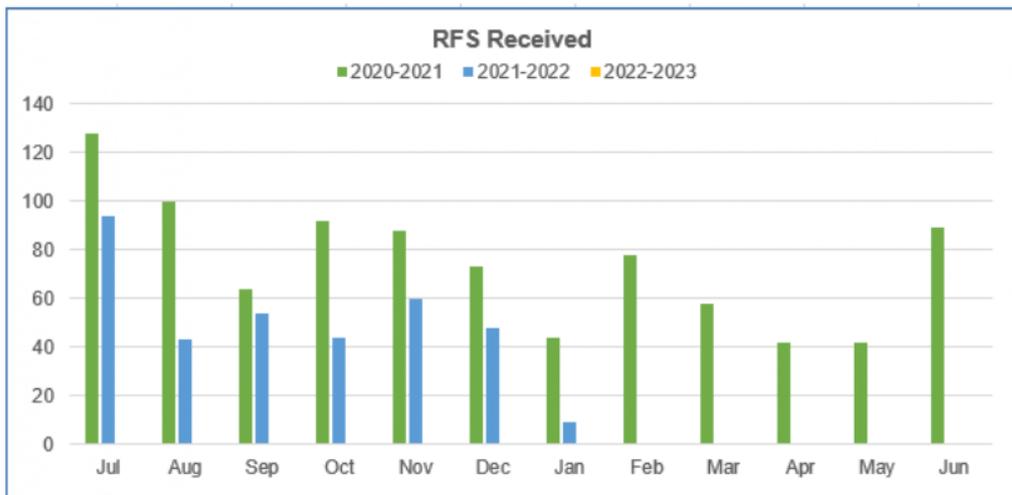
Council ensures compliance by inspecting or monitoring sites to ensure they comply with legislation. Depending on the level of non-compliance, there is a range of enforcement options the Council can take, from education to formal enforcement such as notices and prosecution.

Formal enforcement is not taken lightly. It is based on thorough investigation and considers the impact as well as any steps that may have been taken to address the non-compliance.

### Requests for Service (RFSs)

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

January was a slow month for incoming RFSs, with only 9 RFSs lodged. It was a quiet month, with half the team away on summer leave. The Building Compliance team continues to deal with a range of Building Act 2004 non-compliances.



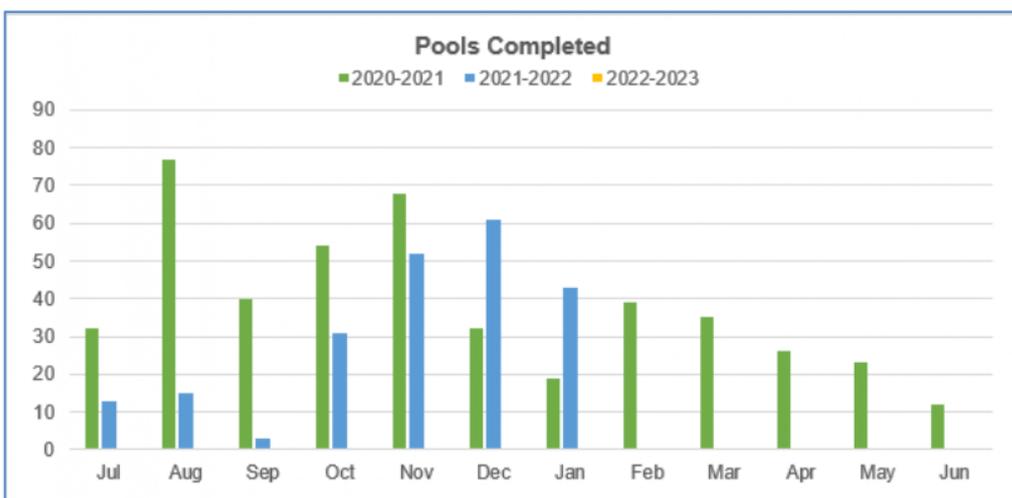
**Swimming Pools**

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.

A total of 43 swimming pool inspections were carried out during the month of January, with the completion of inspections on track and as per the allotted inspections for the year.

The swimming pool fail rate was 51% for this period. Council is 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.



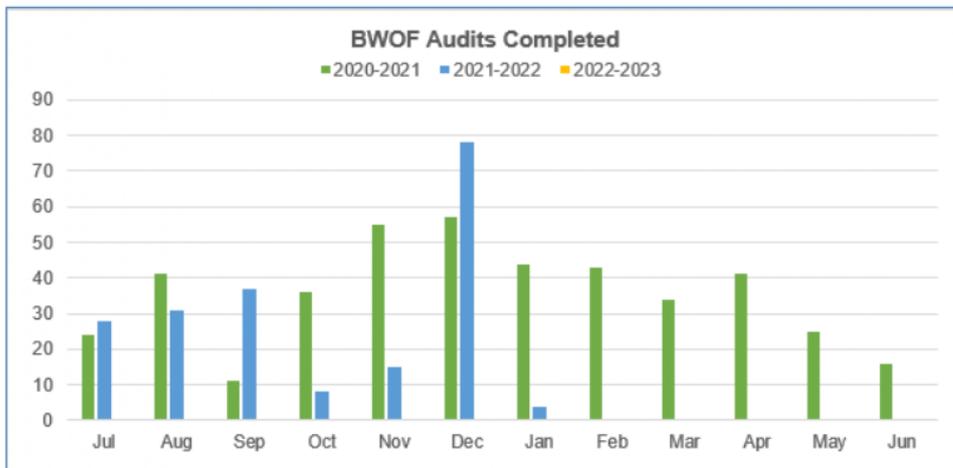
### Building Warrant of Fitness (BWoF)

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.

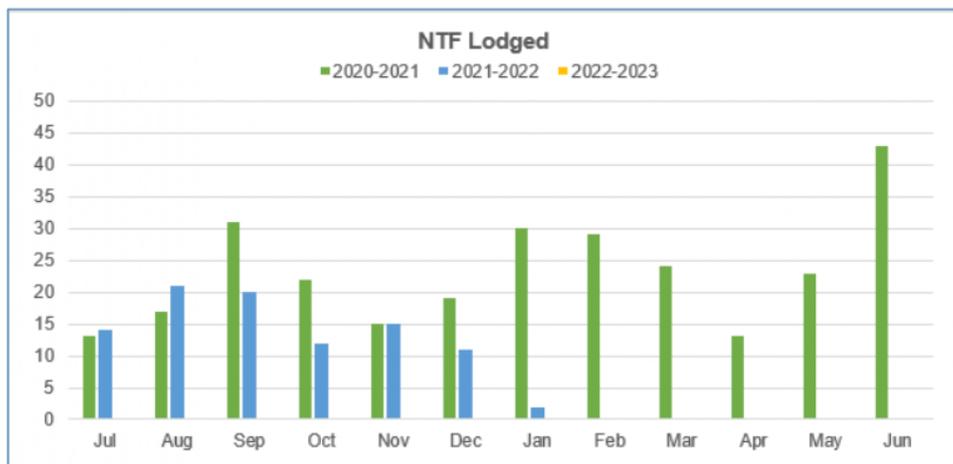
4 BWoF audits were carried out during January. The team is now focusing on completing a compliance schedule update project which has been developed following a recent Audit of the TA Functions for BWoF's and Swimming Pools.



### 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.

Only 2 Statutory Notices were served during the month of January for breaches of the Building Act 2004.

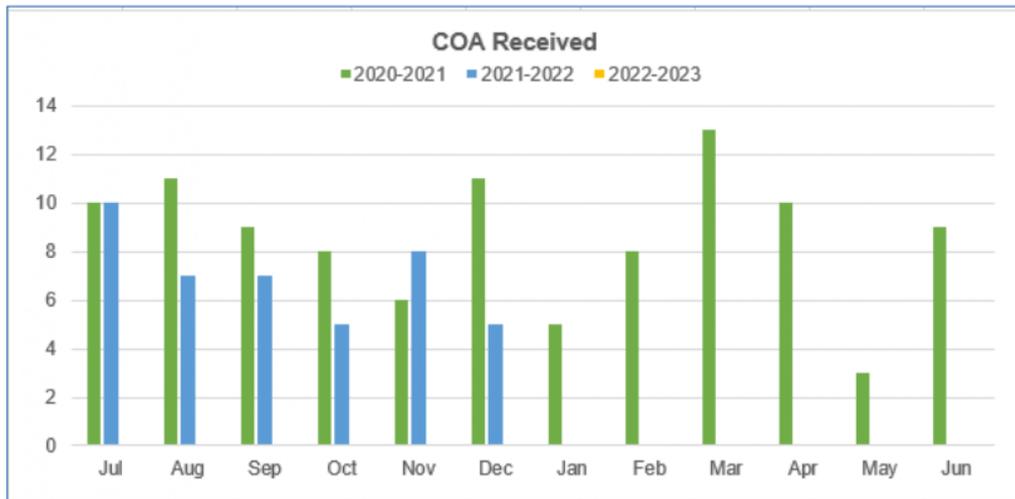


### Certificates of Acceptance

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 no COA applications during the month of January which was unusual for the month.



### 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.

No infringements were issued during the month of January.

## 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.
- Investigation, monitoring and enforcement of bylaws, District Plan breaches and parking.



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 – January 2022

### Resource Consents

Resource Consents (RC) achieved 64% compliance with statutory timeframes for January with 12 consents going over statutory timeframes.

RC issued 52 decisions under the RMA and LGA in January 2022. Of the 52 decisions, 34 were applications required to comply with statutory timeframes and recorded by the Ministry for the Environment (MFE).

68 applications were received in January 2022. This consists of 39 applications under the Resource Management Act 1991 (RMA), reported as part of statutory timeframes and the remaining 29 were applications under the RMA (not counted) and the Local Government Act (LGA) and the Sale and Supply of Alcohol Act 2012.

Resource Consents now have Business Intelligence for reporting, which has enabled more accurate updates to previous graphic information included in reporting. Due to this, there will be some variations from previous monthly graphs and reports.

The high volume of applications in the latter half of 2021, coupled with staff vacancies and a reduction in capacity of consultants processing applications (as shown by the low ratio of external allocations depicted above) has resulted in Council being unable to allocate applications in a timely manner. The number of unallocated applications has been increasing and there are currently 130 applications lodged but unallocated within Council's systems dating back to 24 November 2021. This is adversely affecting statutory timeframes as shown by decreasing performance in the period of September 2021 to present. This trend is anticipated to continue into the fourth quarter of the financial year. Team Leaders have applied s37 of the RMA to extend processing timeframes where possible.

### Monitoring and Compliance

Monitoring and Compliance received 86 Requests for Service (RFSs) in January 2022, a decrease of 29 RFS on the previous month, reflecting the holiday close-down period.

There were 146 noise complaints received and responded to in January. This is 43 more than the preceding month. Response times of 82% were seen for urban areas and 85% were met in rural areas against a KPI target of 95%; a good improvement on the preceding month. This is a challenging KPI due to the remoteness and size of the district and will be reviewed during contract renewal in 2022.

44 parking infringements were issued during the month, with a financial value of \$1,171.

### Environmental Health

A total of 24 Food Verification audits were completed in January 2022.

Environmental Health are tracking well regarding the licensed premises level of service. 41.7% of licensed premises have been visited, leaving 136 premises to be visited by 30 June 2022. The level of service target is that 25% of licensed premises are visited once every four years and the team carry out these visits on an annual basis.

The number of RFSs received for Environmental Health increased by 8 RFSs in January 2022. This is likely due to the overgrown property requests that customers report during the summer period. Overgrown property requests are forwarded on to Fire and Emergency New Zealand.

The number of visits carried out by the team in January 2022 are lower due to the team not returning from the summer break until 10 January 2022.

### Animal Management

224 RFSs were received for Animal Management in January 2022; 46 urgent and 178 non-urgent.

Animal Management Officers continue to respond to requests within level of service agreed times (≥93%). However, a systems issue over the Christmas break period saw some Animal Management RFSs not actually

logged until late January, resulting in a less than normal response (78.3%) as opposed to what would be normally recorded. Animal Management Officers responded to 100% of all RFSs over that period. A 95.5% response rate was recorded for non-urgent responses.

21 dogs were impounded in January, resulting in 9 being claimed by their owners, 1 dog taken by a Rescue Group and 3 being adopted out to new homes. A total of 7 dogs were euthanised in January due to not being claimed by an owner and not meeting criteria to be rehomed.

## Resource Consents

### Introduction

#### What we do and why

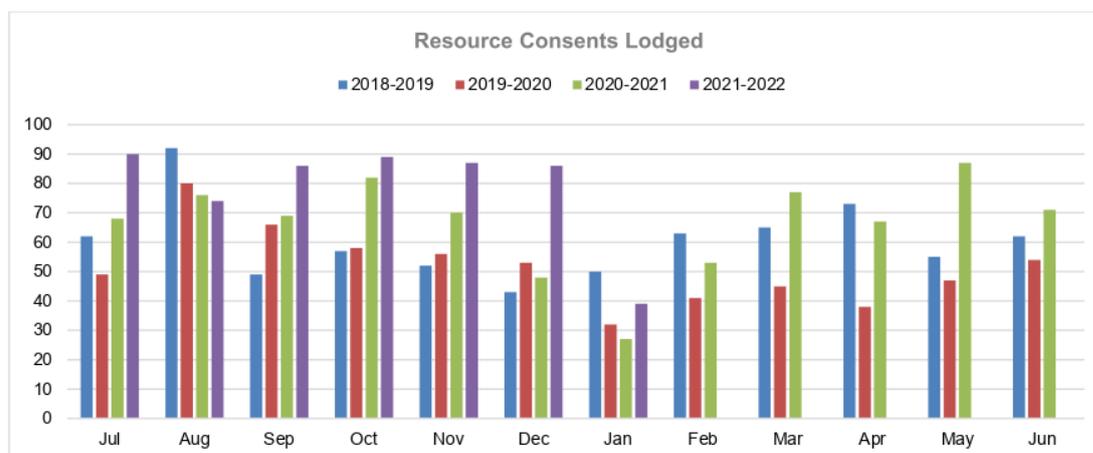
A critical function of Council is enabling the sustainable use, development and protection of the natural and physical resources in our district. This is underpinned by the obligations imposed by the Resource Management Act 1991. Activities and services undertaken include the processing of resource consent 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 Council's commitment to the community. The previous satisfaction measures have been replaced with two new ones to assess the response to compliance incidents and processing of applications. These are more appropriate indicators of performance.

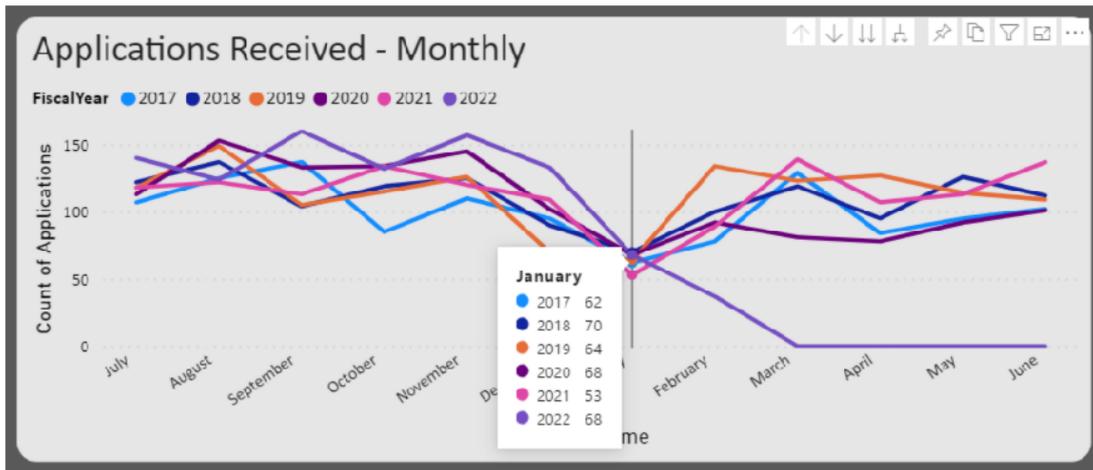
#### Applications lodged

The graph below shows the RMA\* applications received by month over the last 3 years. Planning support lodged 39 RMA applications in January 2022 compared to 27 in the previous financial year and 32 in the 2019/2020 financial year. This represents a significant increase in the number of RMA applications received in January over the last three financial years.

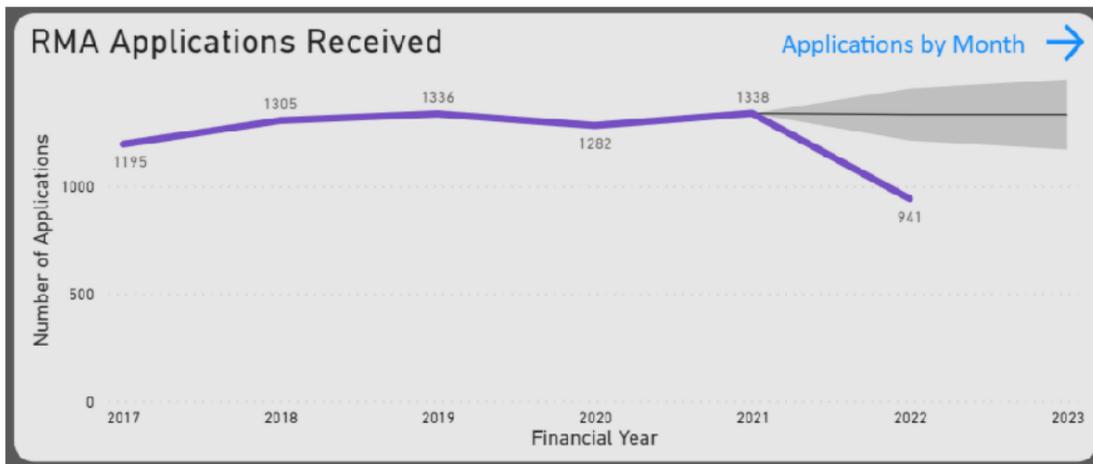


\*Refers to applications lodged that require statutory timeframes reporting.

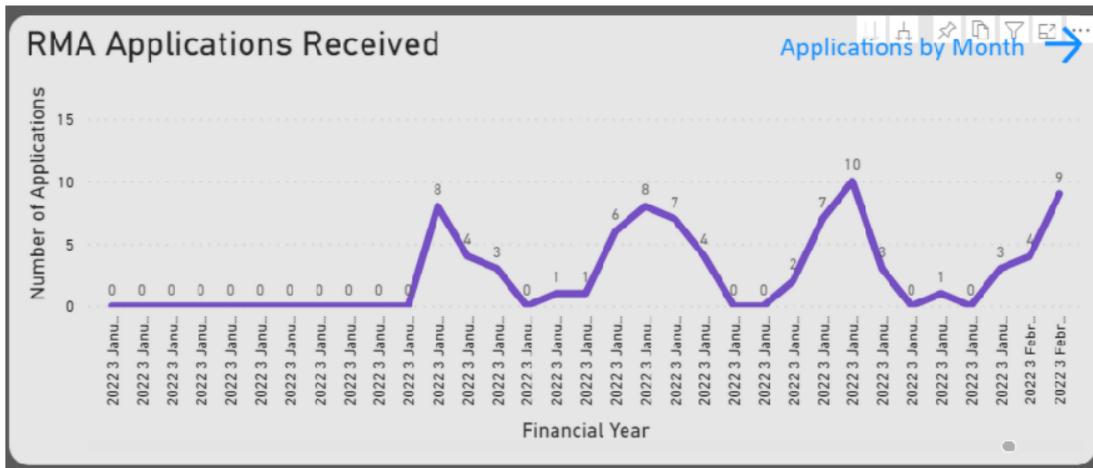
The graph below shows the total number of applications received each month since 2017. The 68 applications received consists of all the applications received by Planning Support and sent to allocations in January 2022. This is the second highest number of applications received in the month of January since the 2017-18 financial year.



The following graph shows the total number of applications received by year since 2017. This number includes applications received under the Resource Management Act and the Local Government Act (LGA). This shows the volume of applications received with an upward trend since 2016 and a slight decrease in 2020 due to the pandemic and nationwide lockdown. The 2022 figure below shows the number of applications received from 1 July to 31 January in the current Financial Year.

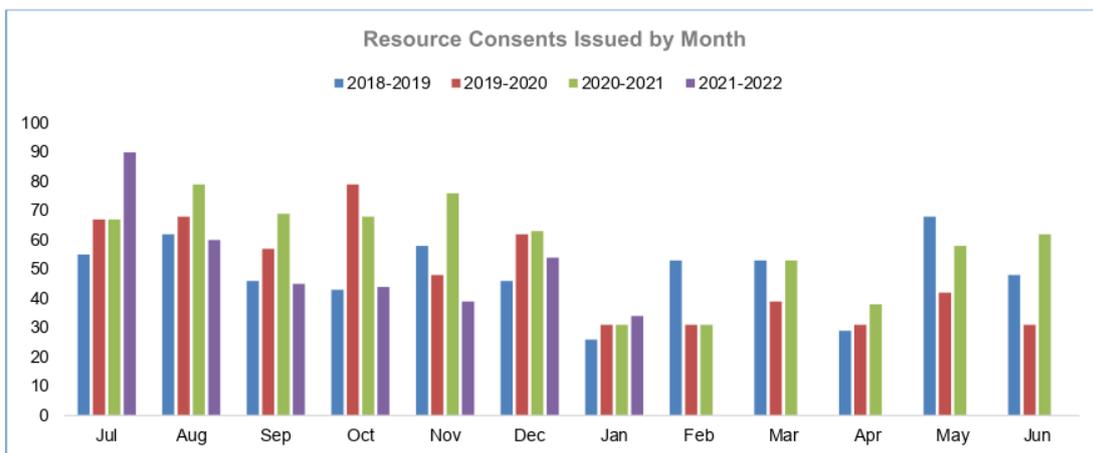


The graph on the next page shows the number of applications received daily by Planning Support. There has been only one day in January where 10 applications were received. This demonstrates the typical low volume of applications received in January and does not indicate a downturn in general application numbers.

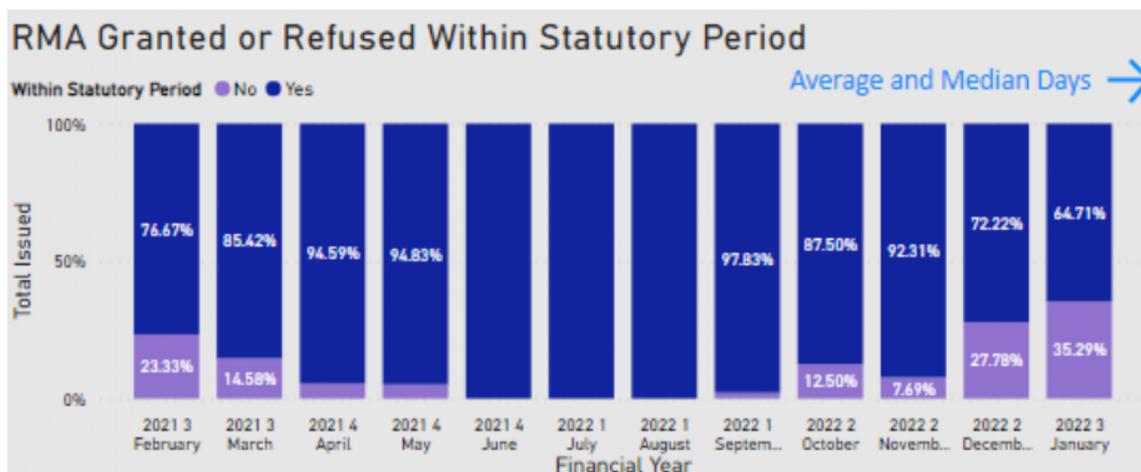


**Decisions issued**

Resource Consents issued 52 decisions under the RMA and LGA in January 2022. Of the 52 decisions, 34 were applications required to comply with statutory timeframes and recorded by the Ministry for the Environment (MFE). 12 consents were outside statutory timeframes for January. This resulted in 64% compliance with statutory timeframes.



The Resource Consents Performance graph on the next page shows compliance for the previous twelve months. This shows a level of compliance of 64% decisions being within timeframes for January. This reduction is a direct effect of increased volumes, reduced consultant processing capacity and staff vacancies. This is discussed in greater detail below under the Trends and Success Stories heading.



#### Types of Applications Received

The tables below separate out the RMA applications from the rest of the applications received. The first table represents the RMA applications that are reported to MFE on compliance with statutory timeframes. The second table includes all the other types of applications.

Type of Resource Consent	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Land use	16	29	14	32	41	28	34	40	45	43	37	21
Subdivision	6	19	9	15	18	26	18	21	22	25	27	13
Variation	5	8	5	6	12	10	3	7	7	5	6	3
Permitted Boundary Activity	1	7	4	7	3	9	7	5	6	2	7	0
Extension of Time	1	1	0	1	0	2	0	0	0	0	0	0
Certificate of Compliance	0	1	0	0	2	0	0	0	0	0	0	0
RMA Discharge	0	0	0	1	1	0	1	2	0	0	0	0
RMA NES CS	0	0	0	0	0	0	1	0	0	0	0	0
Combined land use and subdivision	4	5	3	6	6	8	6	10	5	11	9	2
Outline Plan	0	0	0	0	0	2	2	1	2	1	0	0
Outline waiver	0	3	1		3	2	2	0	2	0	0	0
<b>Total RMA</b>	<b>33</b>	<b>73</b>	<b>37</b>	<b>67</b>	<b>90</b>	<b>90</b>	<b>74</b>	<b>86</b>	<b>89</b>	<b>87</b>	<b>86</b>	<b>39</b>

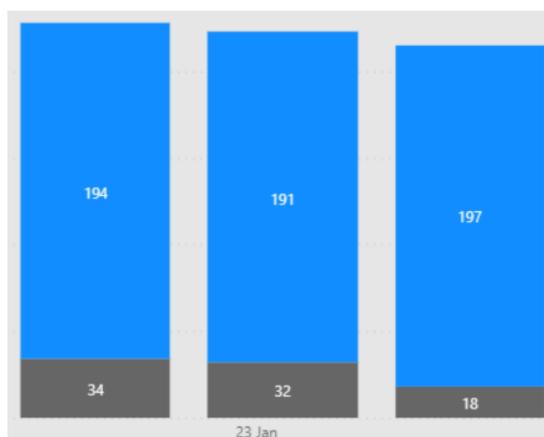
### Certificate Applications Received

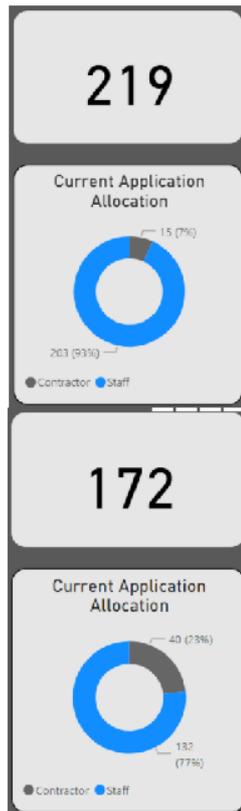
The table below details the number of certificate and other applications received monthly. This table shows that 29 certificates and Local Government Act (LGA) applications were received in January 2022.

Type of Certificate & LGA & other work												
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
RMA OTH	0	0		1	0	2	0	0	1	1	0	0
RMA OBJ	0	0	0	0	2	1	2	2	4	3	1	0
CER221	0	0	0	0	1	0	2	2	0	2	0	1
CER223	20	22	18	19	14	20	13	25	16	21	14	7
CER224	10	4	14	24	9	14	10	17	14	19	14	8
CER348	0	0	0	0	2	0	2	0	0	2	1	0
CERBND	0	6	1	0	0	0	0	0	0	0	0	1
CEROTH	0	4	1	0	0	0	0	0	0	0	3	0
LGA348	2	2	2	2	4	2	3	3	1	2	2	2
LGAEWK	8	15	16	6	14	11	16	19	11	17	18	9
LIQCOC	1	0	1	2	7	2	3	6	0	3	2	2
<b>Total</b>	<b>41</b>	<b>53</b>	<b>52</b>	<b>53</b>	<b>51</b>	<b>49</b>	<b>49</b>	<b>74</b>	<b>47</b>	<b>70</b>	<b>54</b>	<b>29</b>

### Internal staff versus consultant planners

The graph below indicates a snapshot over 3 days in January of current applications being worked on by Resource Consents. This shows 197 applications have been allocated to internal staff and 18 to external consultant planners. This is 93% internal and 7% to consultants.





The figure on the left is the number of applications that are current within the Council system (Pathway) which have not been suspended under s92 for further information.

The figure on the left is the number of applications that are on hold including suspended applications. Currently the Resource Consents Team is managing 391 RMA applications. This figure does not include RMA and LGA certs, earthwork permits, LGA rights of way applications, liquor licence and food health checks.

There are currently an additional 130 applications lodged but unallocated in the council's system bringing the total number of applications with council to 521.

## Trends, News and Success Stories

### Hearings

There were no hearings in January 2022.

### Processing Timeframes

Over the past year the number of applications for resource consents received by Council has continued to increase. It has not been unusual to receive up to 45 applications in a single week. There has been no change in staffing levels but a heavy reliance on consultants for business as usual.

The team has seen several resignations for various reasons and is currently recruiting for new planners and engineers. The team has managed to meet 100% statutory timeframes by heavily relying on consultant planners. However, due to the large amount of private work available, consultancies are choosing to undertake private work which pays higher than processing for Council.

The high volume of applications in the latter half of 2021 coupled with staff vacancies and a reduction in capacity of consultants processing applications (as shown by the low ratio of external allocations depicted above) has resulted in Council being unable to allocate some applications in a timely manner. The number of unallocated applications has been increasing and there are currently 130 applications lodged but unallocated within Council's systems dating back to 24 November 2021.

Resource Consents are attempting to gain additional consultant planner- and engineering capacity and actively recruiting to fill vacancies in the team. This is adversely affecting statutory timeframes as shown by decreasing performance in the period of September 2021 to present. This trend is anticipated to continue into the fourth quarter of the financial year. Team Leaders have applied s37 of the RMA to extend processing timeframes where possible.

#### **The use of section 37 of the Resource Management Act 1991 to extend timeframes**

In January 2022, of the 34 RMA decisions issued, all applications had s.37 applied. If s.37 had not been applied, it is unlikely that any of our issued consents would have complied with statutory timeframes during this period.

This situation is not expected to change with the review of the current District Plan. Once the Plan is notified as proposed, applications will take up to twice as long to process, which will result in planners taking half the volume of consents they are currently processing.

The consents team are working hard to address alternative ways of managing the current high volumes.

#### **Customer and Relationships**

Resource Consents had 31 surveys sent out in January 2022 with 11 responses received, giving the team a response rate of 38.7%. There were 7 satisfied customers, no neutral customers and 4 customers were dissatisfied.

Resource Consents, being part of the regulatory arm of the council, often receives a negative comment due to the perceived high cost of obtaining a resource consent and or frustration with the District Plan rules and legislation.

#### **Resource Consents Summary**

68 applications were received in January 2022. In total, 39 of those were applications under the Resource Management Act 1991 (RMA) that form part of reporting on statutory timeframes to the Ministry for the Environment. The remaining 29 were applications under the RMA, Local Government Act (LGA), the Liquor Licence Act (LLA) that do not form part of statutory timeframes reporting.

Resource Consents issued 52 decisions under the RMA and LGA in January 2022. Of the 52 decisions, 34 were applications required to comply with statutory timeframes and recorded by the Ministry for the Environment (MFE). 12 consents were outside statutory timeframes for January, giving a 64% compliance with statutory timeframes.

In total, the resource consents team, along with the planning support team, worked on 39 new RMA applications, 29 LGA applications, certificates, licences and permits and issued 86 decisions. In addition, during January, Resource Consents processed nine food health checks for the Environmental Health Team. The Resource Consent Engineers also worked on four Engineering Plan approvals (RMAEPA's) to assist a more streamlined process for building consents being issued.

The high volume of applications in the latter half of 2021, coupled with staff vacancies and a reduction in capacity of consultants processing applications (as shown by the low ratio of external allocations depicted above) has resulted in council being unable to allocate applications in a timely manner. The number of unallocated applications has been increasing and there are currently 130 applications lodged but unallocated within council's systems dating back to 24 November 2021. This is adversely affecting statutory timeframes as shown by decreasing performance in the period of September 2021 to present. This trend is anticipated to continue into the fourth quarter of the financial year. Team Leaders have applied s37 of the RMA to extend processing timeframes where possible.

## 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.

Monitoring is responsible for:

<ul style="list-style-type: none"> <li>Resource Management Act breaches</li> <li>Local Government Act breaches</li> <li>Reserves Act breaches</li> <li>Litter Act breaches</li> </ul>	<ul style="list-style-type: none"> <li>Land Transport Act (stationary vehicle offences)</li> <li>District Plan breaches</li> <li>Bylaw breaches</li> </ul>	<ul style="list-style-type: none"> <li>Resource consent monitoring</li> <li>Noise complaints</li> <li>Removal of abandoned vehicles</li> </ul>
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### Staffing

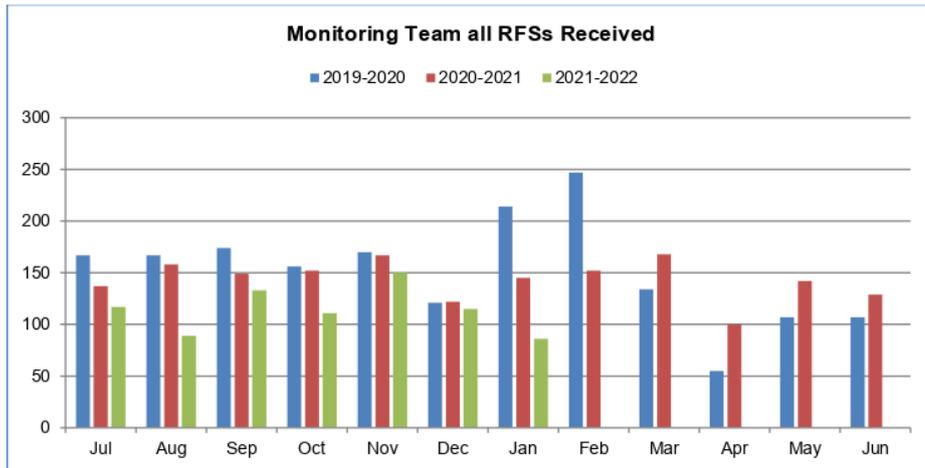
Monitoring is comprised of a team leader, five monitoring officers, two resource consent monitoring officers (one of which is a fixed-term position) and a parking enforcement officer. There is currently one vacancy in the team, which is a fixed term Resource Consent Monitoring officer. The role has been advertised and interviewing commenced.

### Levels of Service

<b>Respond to noise complaints within the following timeframes</b>		
2021-2022 target 95%	In urban areas: 1 hour	In rural areas: 2 hours
<b>Respond to compliance incidents within 3 working days</b>		
2021-2022 target 93%		

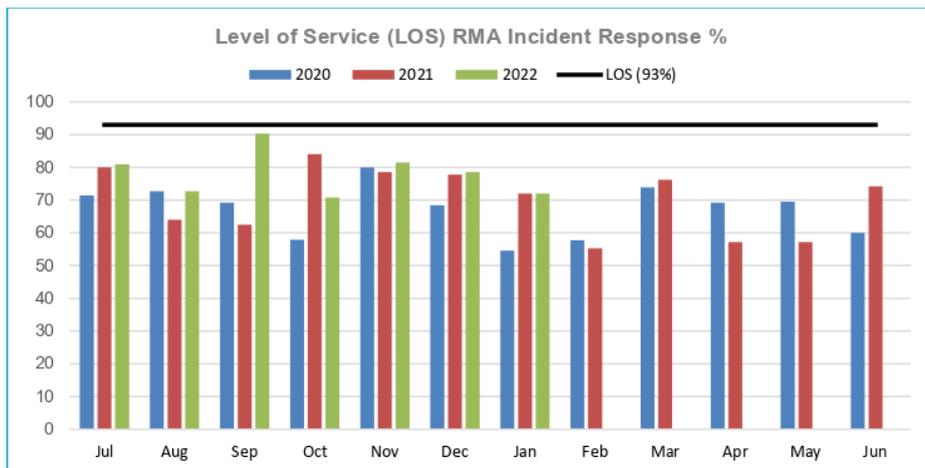
### Requests for Service

The following graph shows all Requests for Service (RFSs) received monthly over the last three financial years by Monitoring. These RFSs reflect all responsibilities held by Monitoring. The following sections break down those requests into areas of legislation.

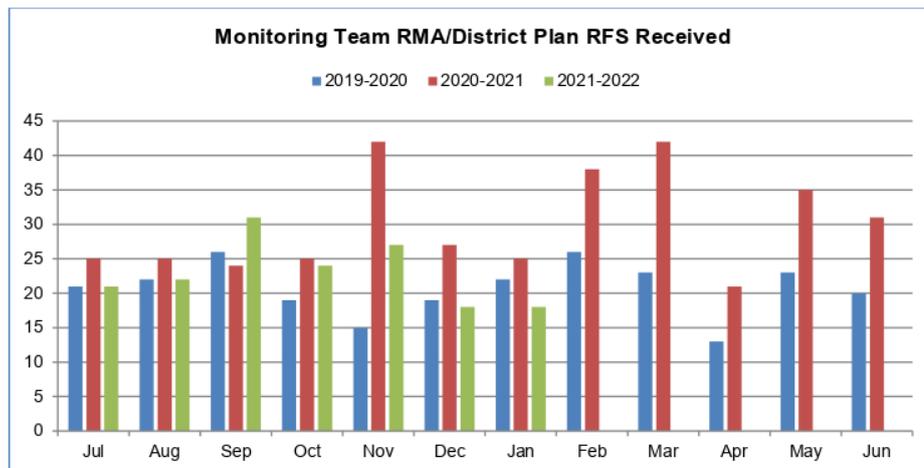


**Resource Management Act 1991**

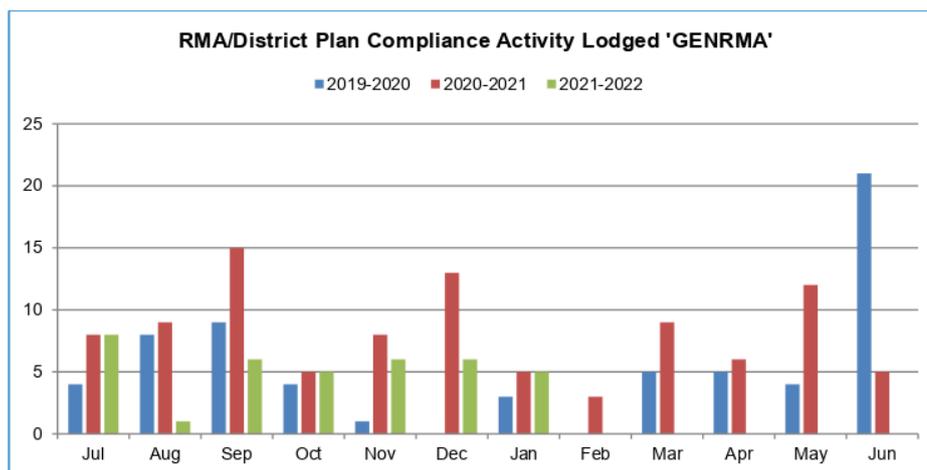
A large amount of the work conducted by Monitoring falls under the Resource Management Act 1991 (RMA). This section reports the results of those responsibilities. The LTP level of service for responding to RMA incidents is 93% of customers acknowledged within three working days. The graph below shows what percentage of RMA incidents were responded to within three working days against the level of service of 93%. The level of service result for January was 72%, down from 79% in November.



The graph below shows RFSs received by Monitoring for RMA/District Plan incidents over the last three financial years.



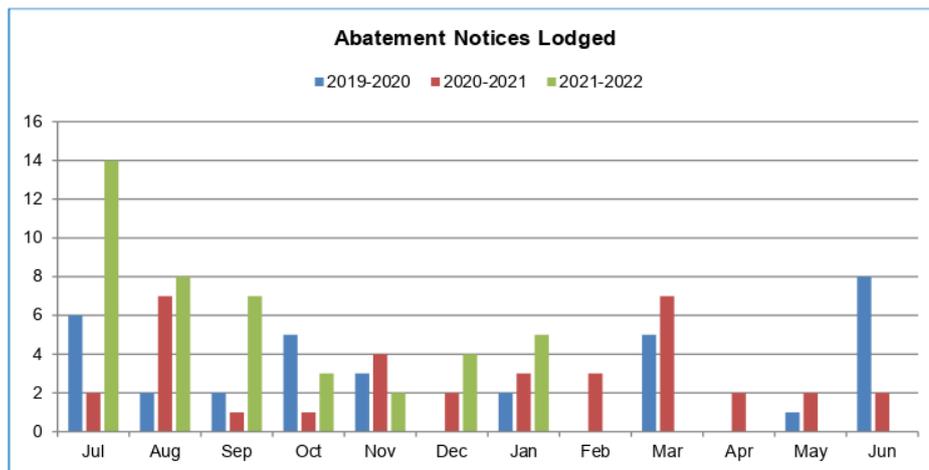
If an RMA/District Plan RFS results in further investigation, a new application is created in the Council system called a 'GENRMA' and research and evidence is recorded with case notes in support of any legal notices, such as abatement notices and environmental infringement notices. The graph below shows GENRMAs lodged by Monitoring over the last three financial years.



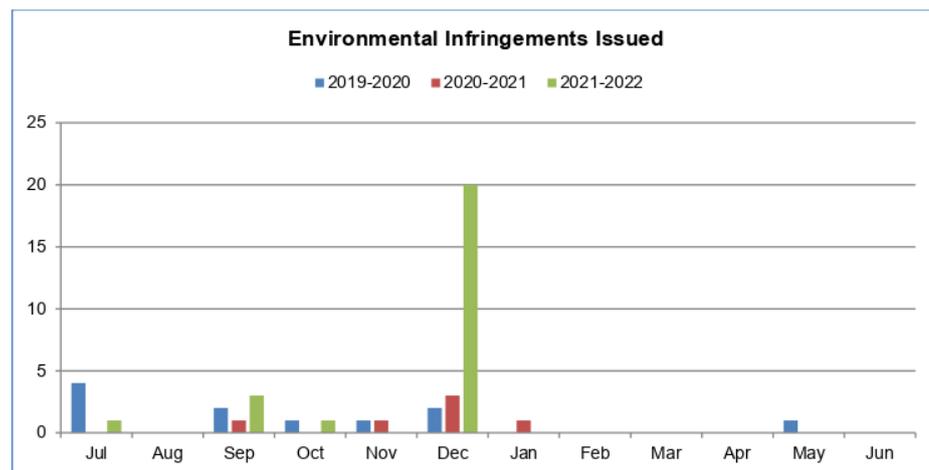
Although Monitoring’s policy is to promote voluntary compliance with the District Plan, there comes a point in an investigation where it becomes necessary to escalate the enforcement process. The RMA allows a warranted monitoring officer to issue an abatement notice to direct an offender to do something 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 or consent notice, or for creating excessive noise.

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, or prosecution commenced. The graph below shows abatement notices issued by Monitoring during the last three financial years.



The graph below shows environmental infringement notices (EINs) issued during the last three financial years. No EINs were issued in January.



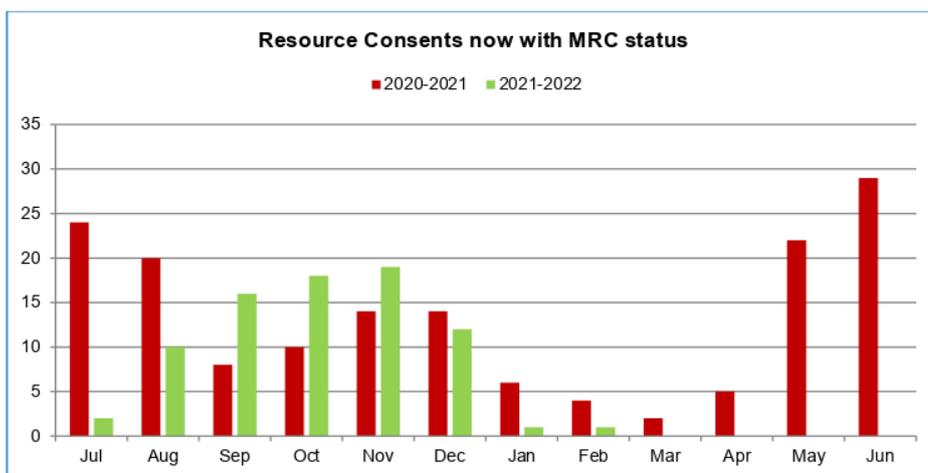
### Resource Consent Monitoring

The resource consent monitoring role remains extremely busy with a number of areas being addressed. Current workflow includes:

- Historic bond investigation
- Historic back log of un-monitored Monitoring Resource Consent (MRC) applications
- Review of legacy consents that do not have an associated MRC application
- Business improvements
- Responding to RFS

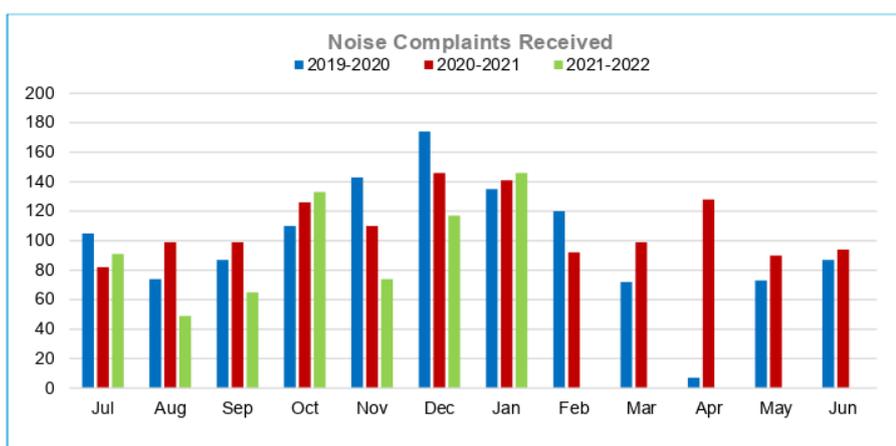
A business improvement initiative in July 2021 removed the requirement to create a new MRC application for each resource consent (RC) decision issued. The historic backlog of unmonitored MRC applications is recorded within Council’s system. There are currently 305 historic MRC applications going back to 2008 with a status of uncomplete, or equivalent.

The graph below reflects the new way of working created by the business improvement started in July 2021. Now when RCs have a decision issued, the resource consent monitors are automatically notified and, rather than creating a new application, the status of the RC application is updated to ‘MRC Lodged’. This process saves considerable administration time and, although there have been some teething problems, is proving to be an effective change. In the graph it can be seen there is a lag in the data due to the statutory fifteen-day appeal period once a decision is issued. Resource consent monitoring does not commence until at least twenty working days from the date of issue to allow for the appeal period and any administration time required to lodge an appeal.

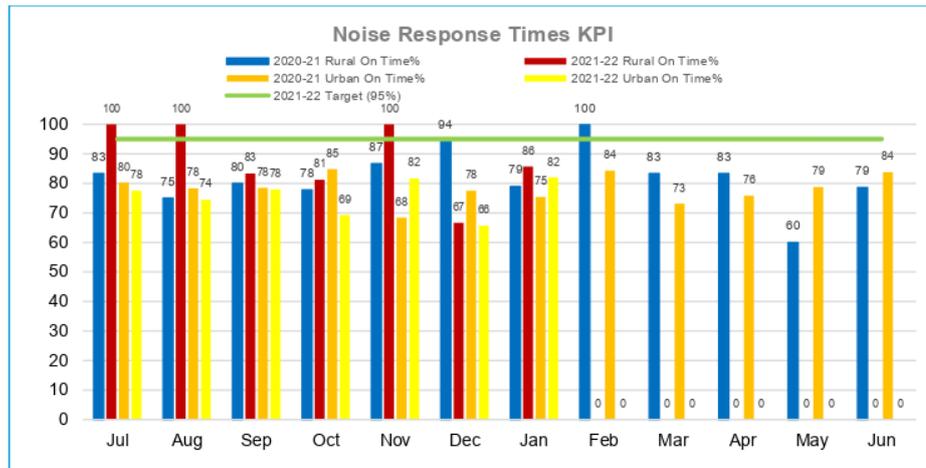


**Noise**

The control of noise pollution also falls under the RMA and is included in the Long-Term Plan (LTP) as a level of service (LOS). First Security are contracted by Council to attend noise incidents. As warranted officers they are authorised to enter land, issue excessive noise directives (ENDs) and seize sound making equipment (when accompanied by a constable). The graph below shows the number of noise complaints received and responded to by First Security.



As per the Long-term Plan, LOS First Security have a key performance indicator (KPI) of 95% of calls in the urban area attended within one hour and 95% of calls in the rural area within two hours. This is a challenging KPI due to the size and remoteness of the district. The graph below shows attendance times in relation to the LTP LOS KPI for First Security noise call outs.

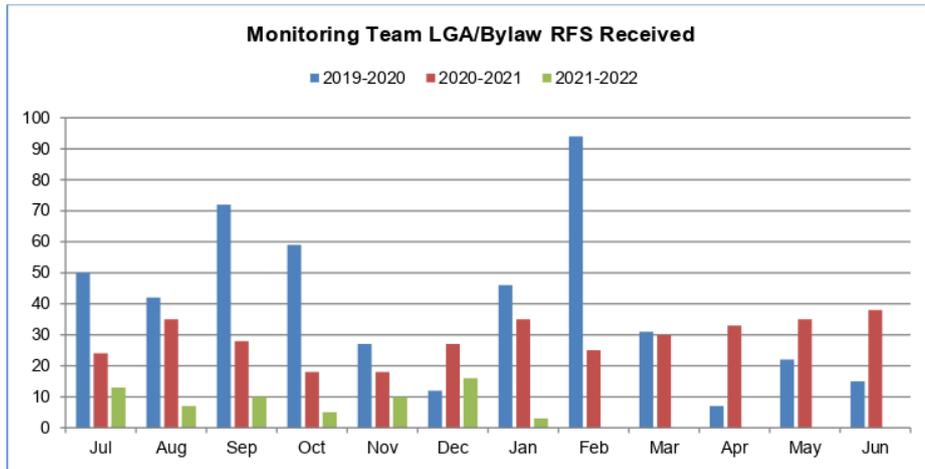


In the RMA, the term excessive noise means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted). Noise assessment by First Security is subjective, rather than with measuring devices as the RMA only requires the noise to be deemed unreasonable. The action taken by First Security's officers vary depending on their assessment at the time. The table below shows First Security officers' action taken this financial year.

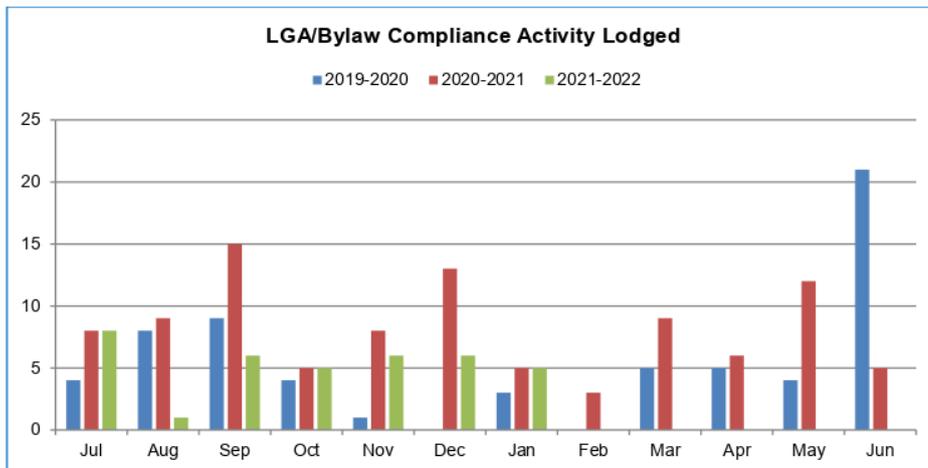
Action Taken 2021-2022	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Abatement Notice Issued	0	0	1	0	0	0	0
Excessive Noise Directive Issued	7	6	13	25	10	11	21
No Action Taken	65	38	34	77	43	72	92
Seizure Performed		1		4	0	0	0
Verbal Warning Issued	19	4	17	27	21	34	33
<b>Grand Total</b>	<b>91</b>	<b>49</b>	<b>65</b>	<b>133</b>	<b>74</b>	<b>117</b>	<b>146</b>

**Local Government Act 1974/2002**

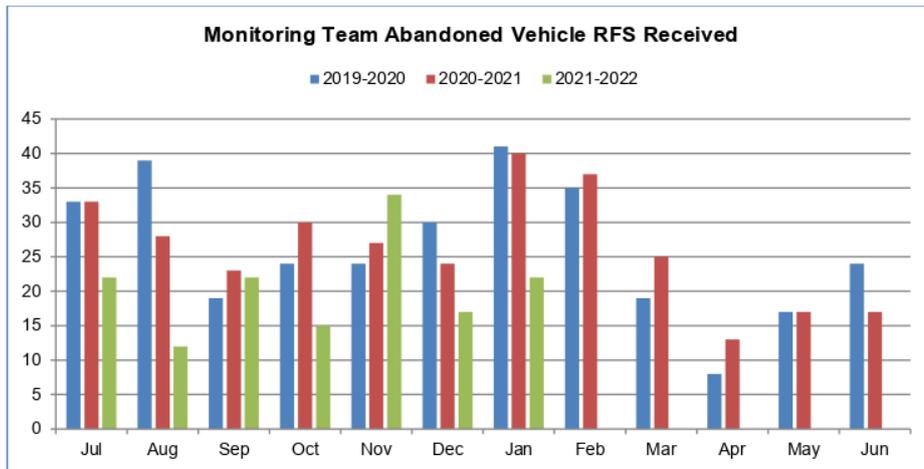
The Local Government Act (LGA) is the legislation behind most of the bylaws administered by Monitoring. The LGA can also be used for issues such as encroachments onto public places and roads. The graph below shows RFSs received by Monitoring for LGA/Bylaw incidents over the last three financial years.



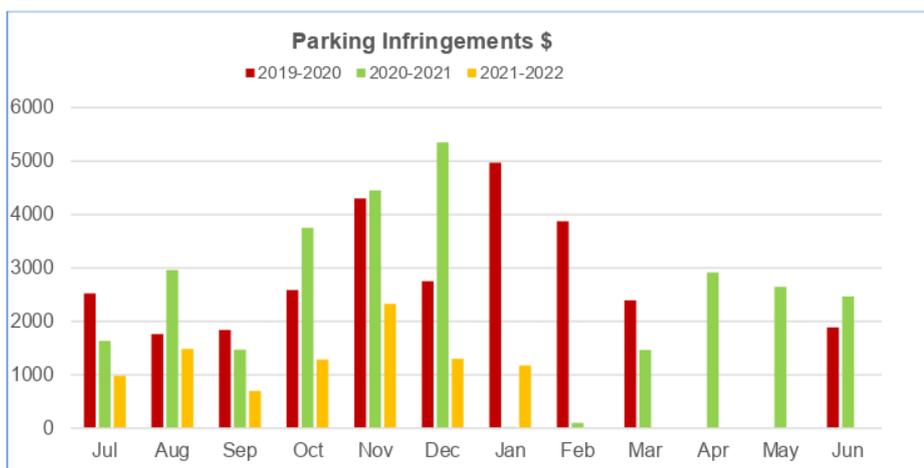
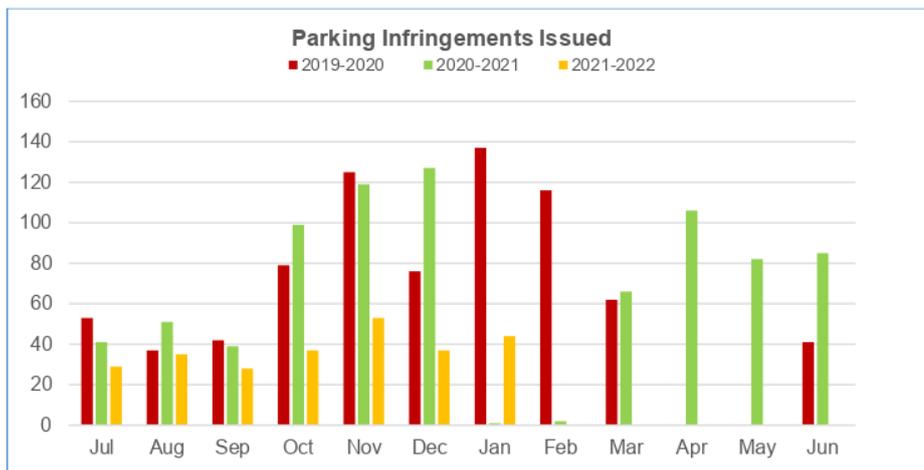
As with the RMA and all other legislation used by Monitoring, escalated investigations prompt the creation of an application in the Council system, which allows for the recording of research, evidence etc. For the LGA these applications are called 'GENBYL'. The graph below shows GENBYLs created by Monitoring for LGA incidents over the last three financial years.

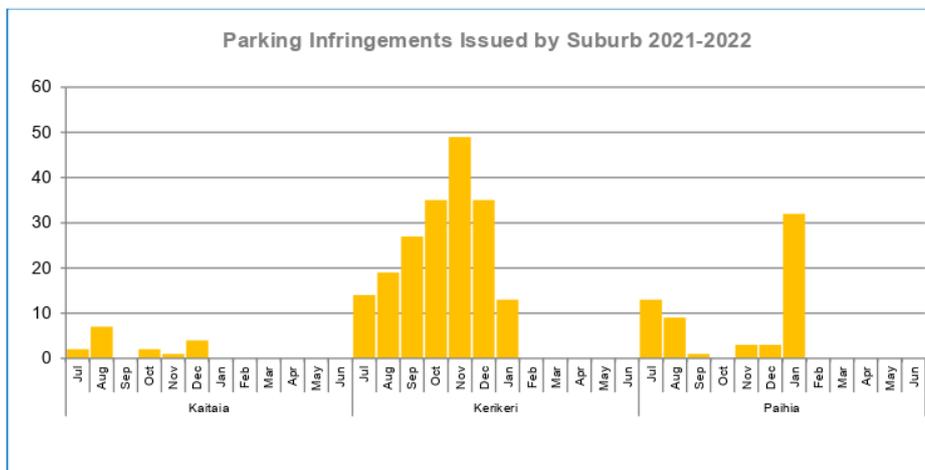
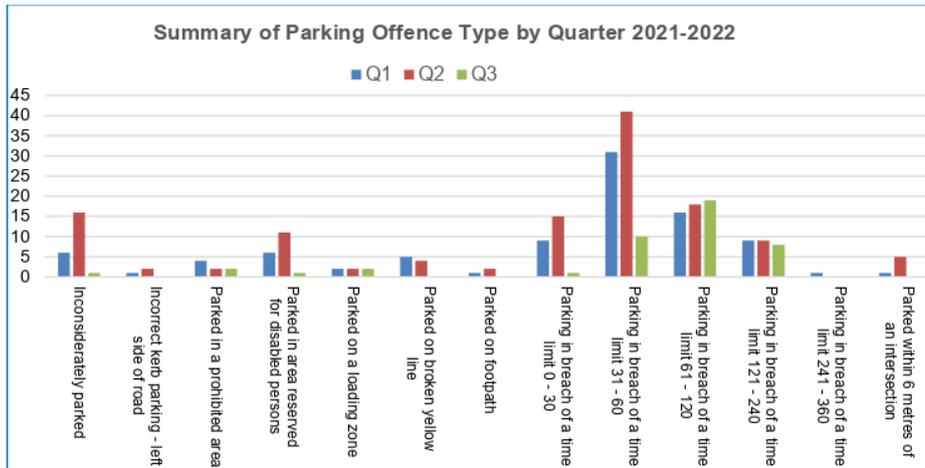


The following graph shows RFSs received for the removal of abandoned vehicles. Section 356 of the Local Government Act 1974 authorises a territorial authority to remove abandoned vehicles under certain circumstances.



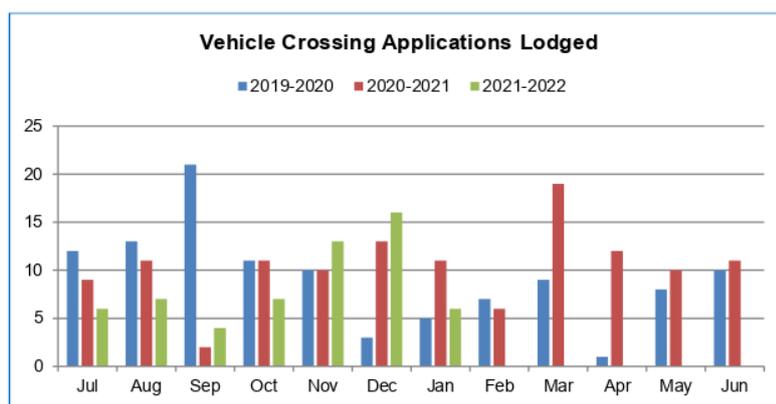
Parking





### Vehicle Crossing Applications

Monitoring has contracted out the management of vehicle crossing applications to Haigh Workman. The graph below shows applications received by FNDC and processed by Haigh Workman for the last three financial years.



## 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

224 RFSs were received for Animal Management in January 2022; 46 urgent and 178 non-urgent.

Animal Management Officers continued to respond to requests within level of service agreed times ( $\geq 93\%$ ) however a system issue over the Christmas break period saw some RFSs not actually logged until late January resulting in a less than normal response recording with 78.3% showing as opposed to what would be normally recorded. Animal Management Officers responded to 100% of all RFSs over that period. A 95.5% response rate was recorded for non-urgent responses.

### Impounded Dogs

21 dogs were impounded in January, resulting in 9 being claimed by their owners, 1 dog taken by a Rescue Group and 3 being adopted out to new homes. A total of 7 dogs were euthanised in January due to not being claimed by an owner and not meeting criteria to be rehomed.

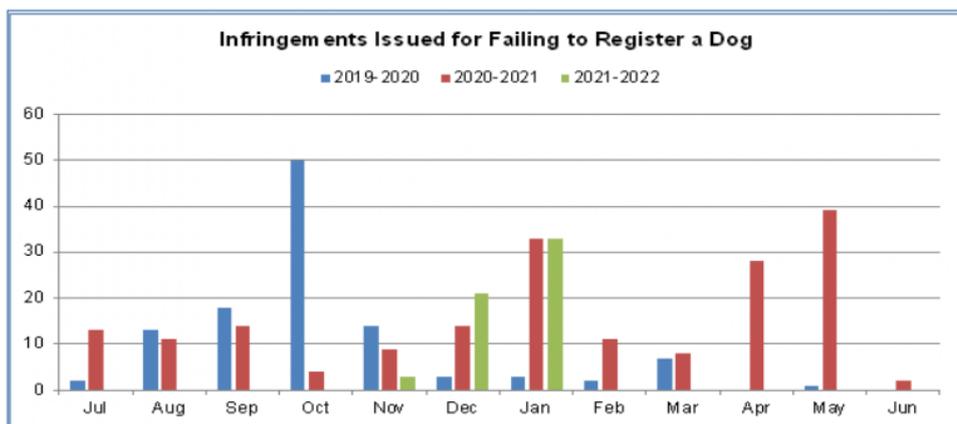
### Dog Adoptions

Three dogs were successfully adopted to new homes and these were placed out as follows:

- 1 to Wellington
- 2 to FNDC

### Dog Registration

The registration follow-up work conducted by Animal Management provides dog owners a reminder to register their dogs, without penalty. However, in some cases those opportunities are not always accepted, and Infringement Notices are issued. There were 32 infringements issued in January for non-registration by Animal Management.



## Environmental Health Services

### 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. Environmental Health Services 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

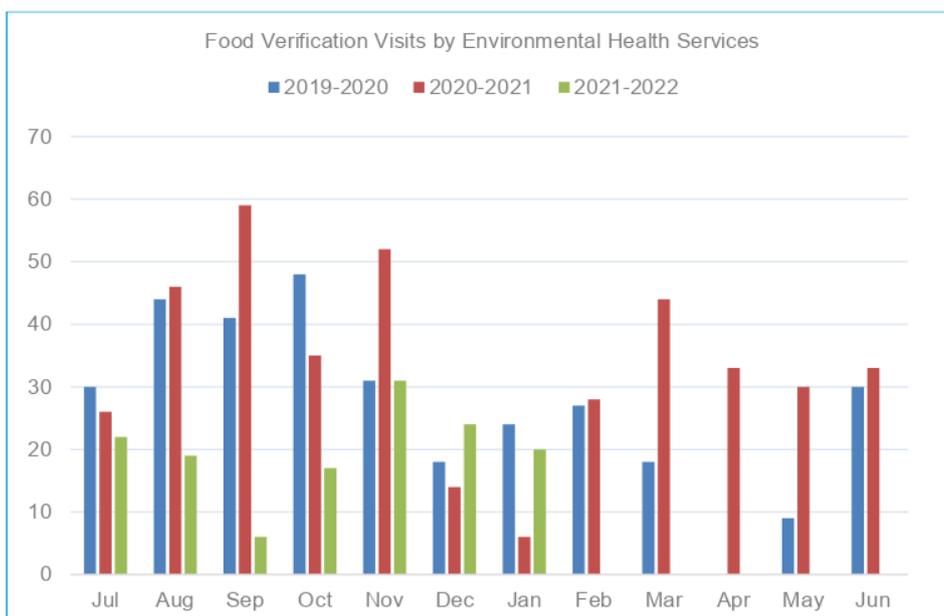
### Levels of Service

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 Council's commitment to the community. The target for food control plan audits was adjusted across the 10 years of the LTP to transition from relatively poor results to the desired level by 2021.

Target: ≥95% This Month: 96% Last Month: 88.9% Last Year: 92%

During January 2022, 25 verifications were scheduled. Of the 25 scheduled verifications, 24 were completed. The only verification not to take place was cancelled due to the operator not attending for the verification. This verification will be rescheduled. The following graph only shows 20 verifications completed. It will be updated once the verifier updates the inspection status in Pathway.

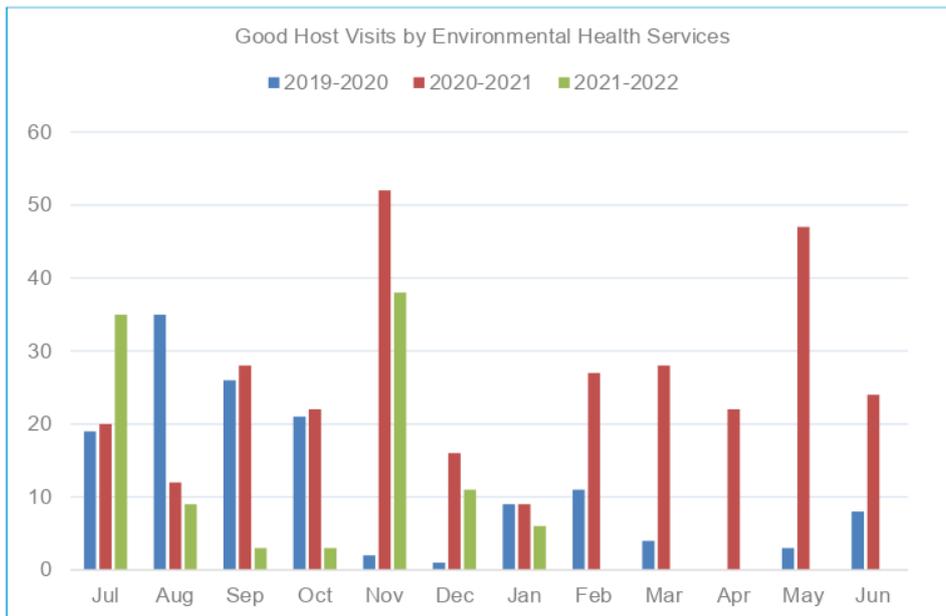


Level of service 8.4.1. All licensed premises are visited for Host Responsibility inspections at least once every four years.

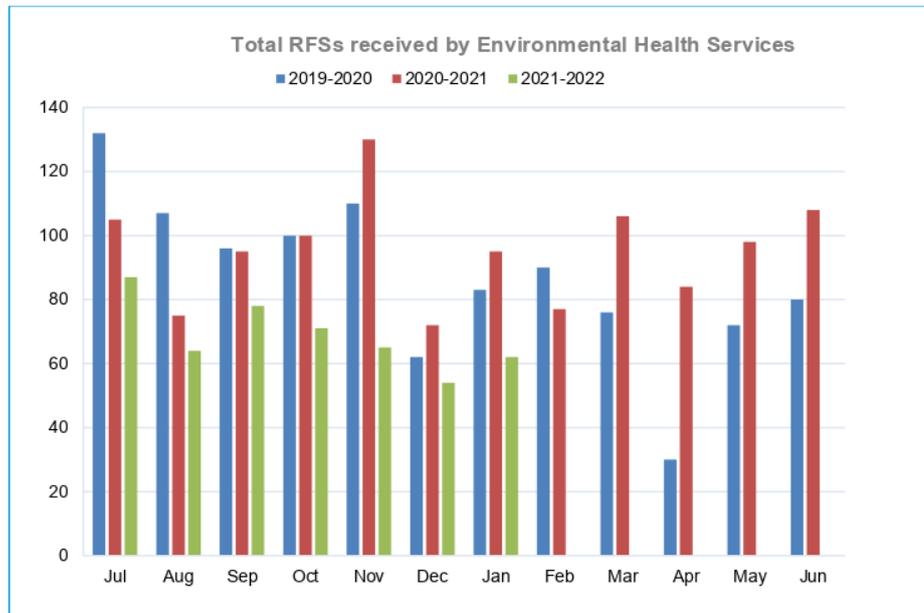
Target: ≥25% This Month: 41.7% Last Month: 39.1% Last Year: 100%

At present there are 258 licensed premises in the Far North district. 25 of these premises hold more than one alcohol licence and therefore will be visited on one occasion rather than separate visits, which will mean that the EHS team will complete 233 visits during 2021-2022.

During January 2022, 6 visits were completed by EHS. For the remainder of this reporting year there is a total of 136 visits to complete.



**Requests for Service**



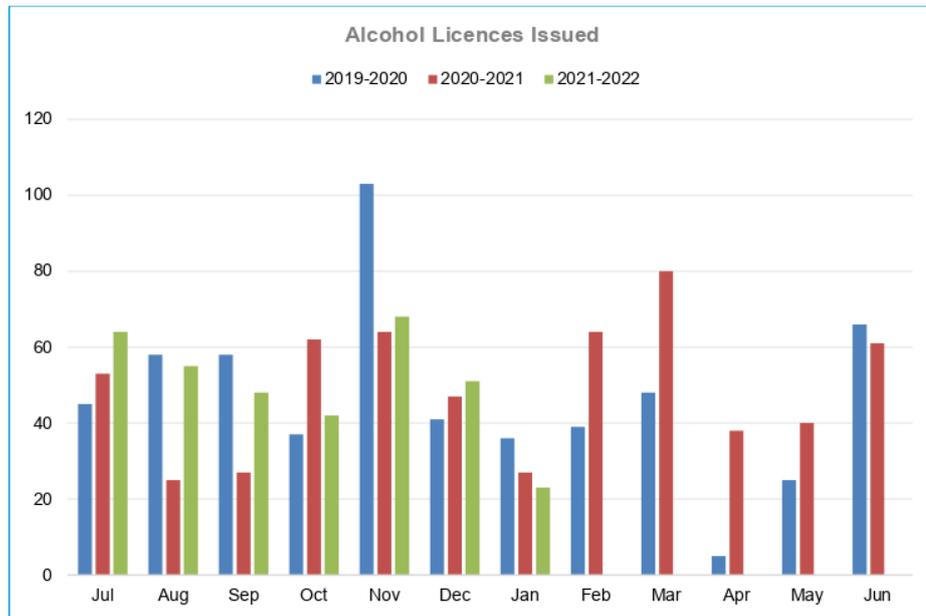
In September 2021, EHS reviewed and updated its website content. During October – December 2021 there was a noticeable decrease in the number of RFS received. This was likely due to the improvements made to the website content and improved communications, i.e. quarterly newsletters.

In January 2022, there has been an increase in RFSs received. The increase is likely due to the number of overgrown section requests. Overgrown requests are referred on to Fire & Emergency New Zealand that pose a fire hazard.

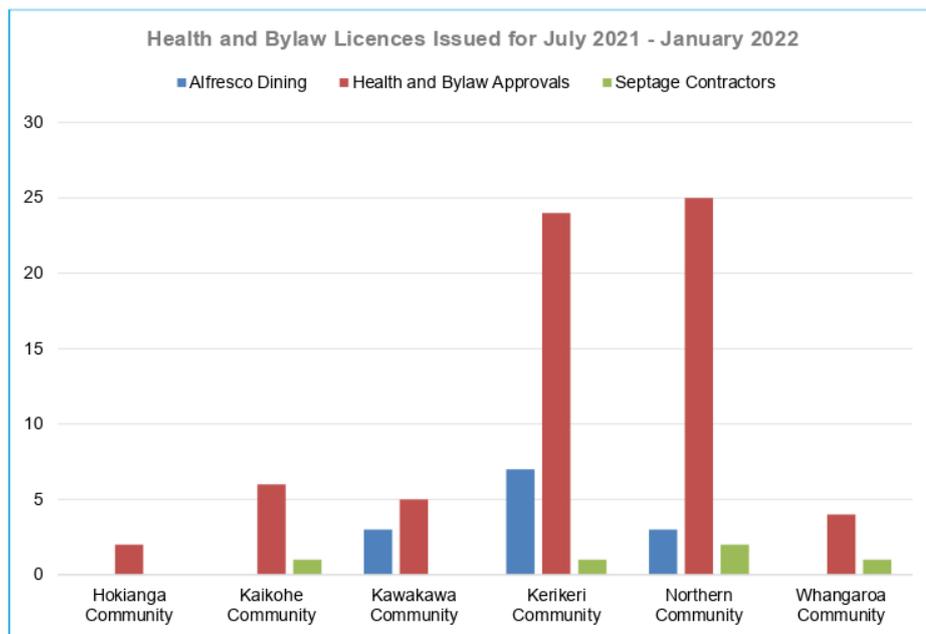
**Food Registrations Issued**



**Alcohol Licences Issued**



**Health Licensing and Bylaw Approvals**



Environmental Health also process approvals for alfresco dining, street stalls, hawker, site permits and mobile shops.

To occupy or trade from a public place, a person must obtain Council’s approval to do so.

- A **mobile shop** operates for short periods in one location before moving on, e.g. an ice cream van.

- A **hawker** offers goods for sale, sometimes on foot, without prior invitation to visit that private or public place.
- A **street stall** is a specific location where a business is set up for more than 30 minutes e.g., on the roadside.
- **Alfresco** dining enables the private use of public space for outdoor dining
- A **site permit** allows an operator to trade from a specific site on a daily basis for the duration of the permit

Mobile shop, hawker and site permit approval applications are seasonal or annual approvals.

Street stall approval applications are specific to a certain date or series of dates.

Alfresco dining approval applications are renewable 1 July each year. The holder of an alfresco dining approval will be inspected on an annual basis.

Between 1 July 2021 – 31 January 2022 a total of 13 alfresco dining approvals were issued.

During January 2022, EHS did not complete any alfresco dining inspections.

Health licences (campgrounds, hairdressers and offensive trade operators) are renewable 1 July each year. The holder of a current health licence will be inspected on an annual basis.

Between 1 July 2021 – 31 January 2022 a total of 71 health licences were issued.

During January 2022, EHS carried out 7 health inspections across the district.

Environmental Health will continue foot patrols across the district until 30 June 2022 to identify businesses who may be operating without the necessary approval. Those that are identified will be required to obtain the necessary approval from Council.

### 5.3 BUILDING SERVICES BCA UPDATE.

**File Number:** A3607383

**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 statutory compliance of the Building Consents Authority (BCA) with the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The BCA compliance rates are in the 99 percentiles for both building consents and code compliance certificates. **Attachment 1** summarises the compliance rates and a brief presentation will be made at the Committee meeting.

The processing function has a level of resilience due to using a combination of resourcing involving both contractors and in-house staff. This arrangement should also provide a measure of resilience against the predicted staff shortages due to Covid. If the inspectorate comes under pressure due to staff absences, some remote inspections may be utilised for low-risk construction, supporting service continuity. The BCA has a scheduled external audit in October 2022 and a robust internal audit schedule is under way to facilitate implementing any improvements that are identified.

#### TŪTOHUNGA / RECOMMENDATION

**That the Regulatory Compliance Committee receive the report Building Services BCA 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 the Ministry of Business, Innovation and Employment (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

In the current Covid environment, the BCA is looking at enhancing the resilience of the service it provides to the community. Staff positions are being filled, with an emphasis on retaining staff when they join the team. The BCA will focus on reducing consenting days for all tasks to aid over- all compliance with statutory times should we experience staff shortages due to the Omicron variant of Covid. BCA staff, apart from those who are undergoing training or having connectivity issues, are currently working from home. MBIE has stated that should a BCA experience difficulty achieving compliance due to a lack of staff resourcing due to Omicron, some leeway would be applied. This would most likely be viewed by IANZ as foreseen but unmanageable.

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

Nil

**ĀPITIHINGA / ATTACHMENTS**

1. 2022-03-15 -BCA Update PPoint - A3612339 [↓](#) 

# BCA Update for the Regulatory and Compliance Committee

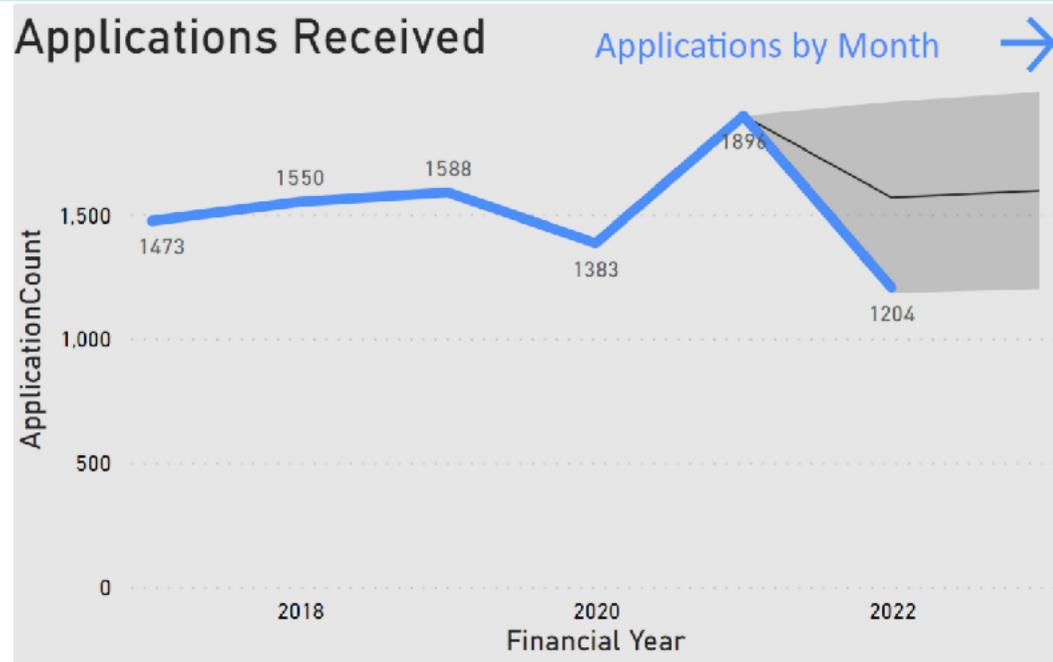
- 15 March 2022



HE ARA TĀMATA  
CREATING GREAT PLACES  
*Supporting our people*

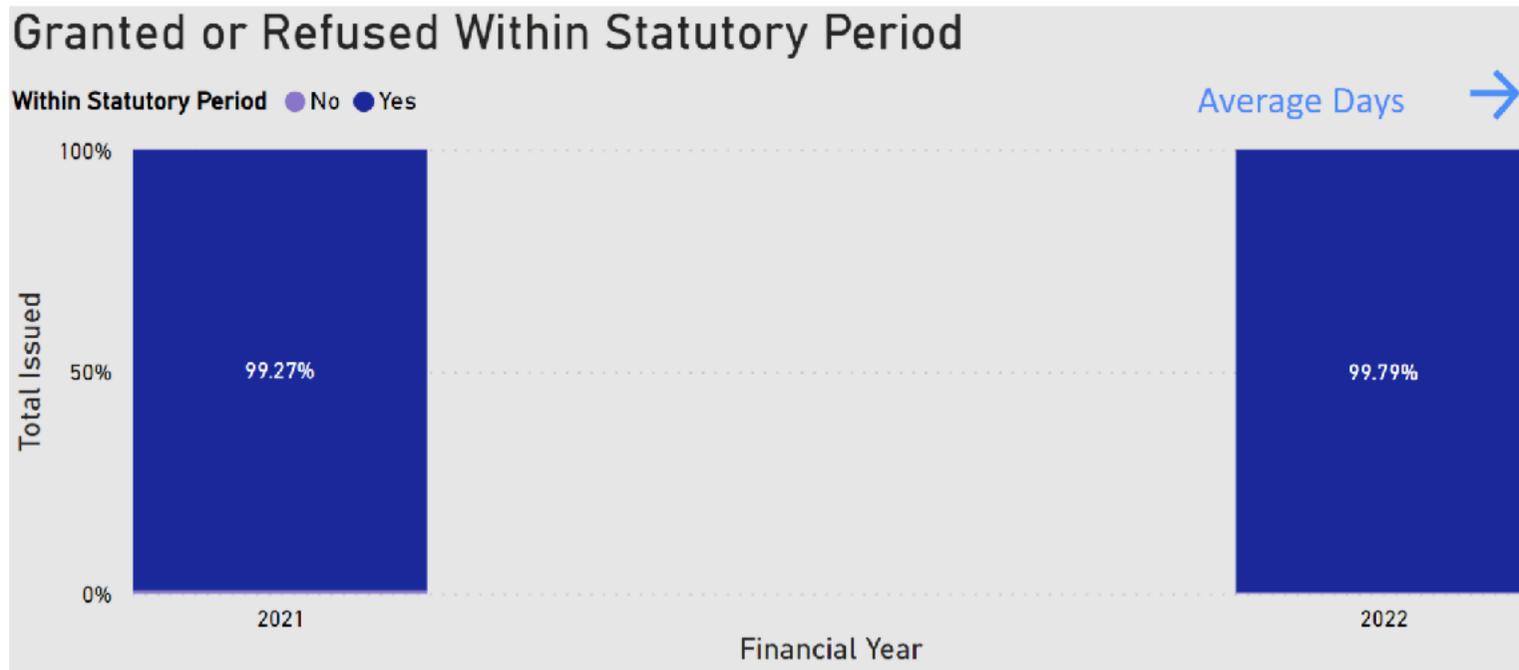
# Forecast for 2022 Building Consents.

The forecast for 2022 year is 1531 building consents.



# 20-day compliance BC's.

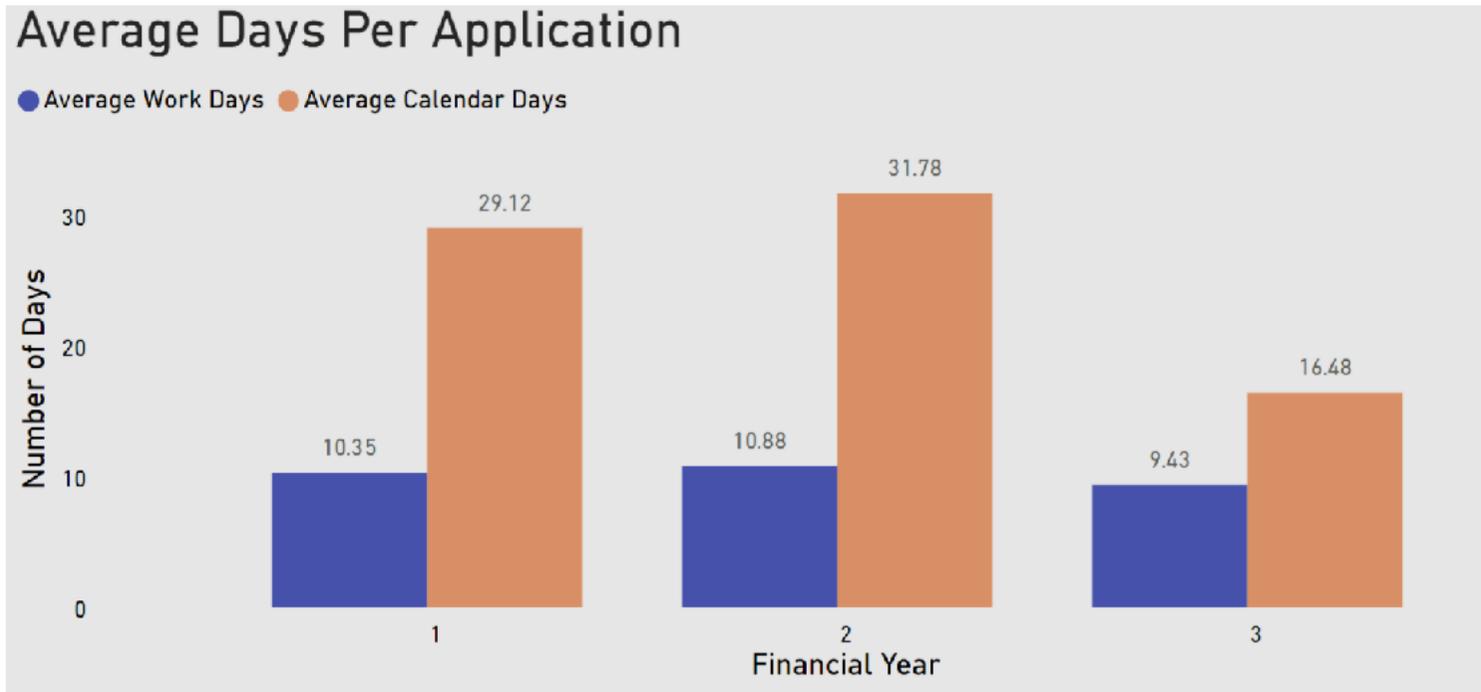
Current compliance for the 2022 is 99.79%



# 20-day compliance BC's.

On average building consents are issued within 10 days.

Current compliance for the 2022 is 99.79%



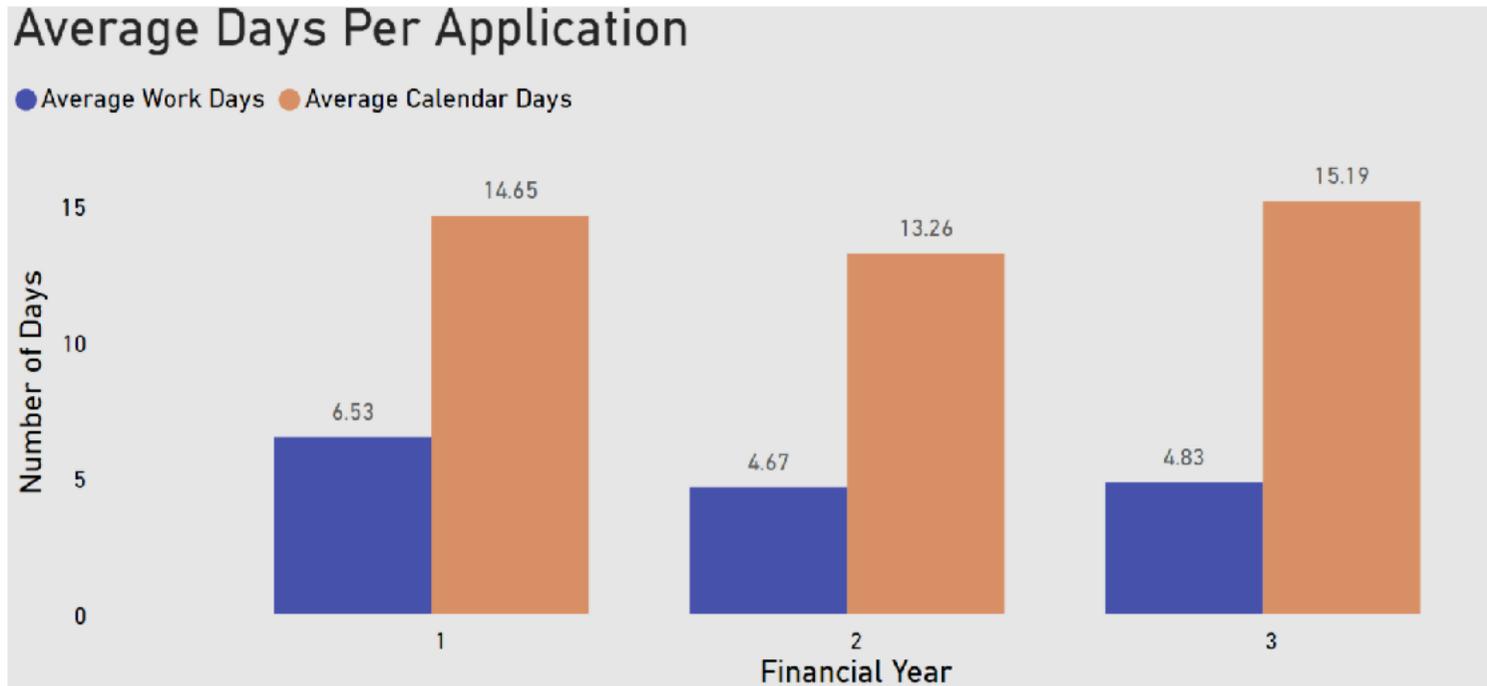
# 20 Day Compliance CCC's

Current compliance for 2022 is 99.87%



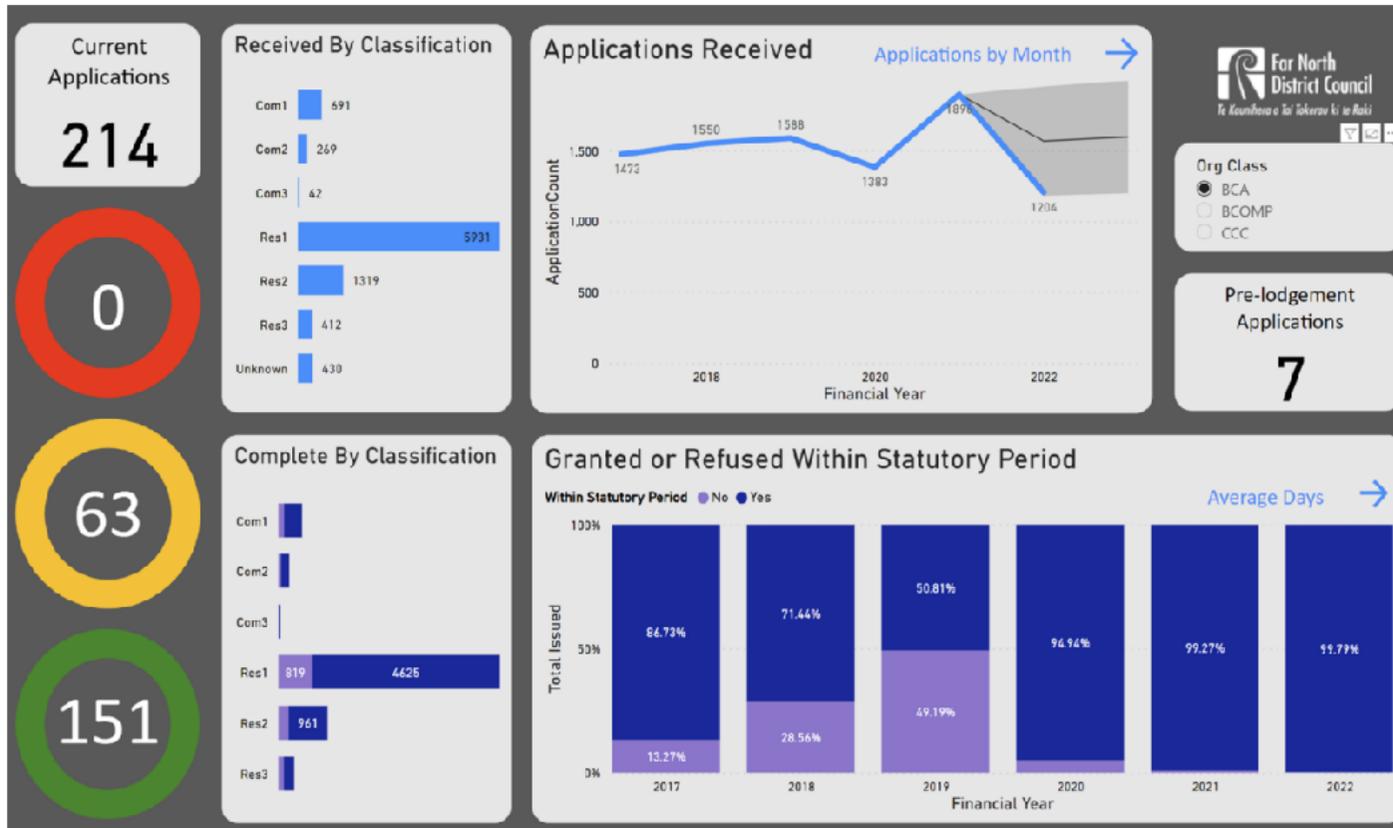
# Code Compliance Certificates

On Average Code Compliance Certificates are issue within 5 days



# New BI dashboards

How we manage our business.



# Questions

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**5.4 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE MARCH 2022****File Number:** A3613864**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 decisions made by the Regulatory Compliance Committee.
- Action sheets are also in place for Council and Community Boards.
- There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

**TŪTOHUNGA / RECOMMENDATION**

**That the Regulatory Compliance Committee receive the report Action Sheet Update March 2022.**

**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.

There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions for the Regulatory Compliance Committee from 1 January 2020 have been completed.

**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. There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

**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**

Nil

**6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

**7 TE KAPINGA HUI / MEETING CLOSE**