



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Strategy and Policy Committee Meeting

Tuesday, 3 May 2022

Time: 9:30 am
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Cr Rachel Smith - Chairperson
Cr David Clendon – Deputy Chairperson
Mayor John Carter
Deputy Mayor Ann Court
Cr Dave Collard
Cr Felicity Foy
Cr Kelly Stratford
Cr Moko Tepania
Cr John Vujcich
Member Belinda Ward – Bay of Islands-Whangaroa Community Board

	Authorising Body	Mayor/Council
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Strategy and Policy Committee Terms of Reference
	Approval Date	19 December 2019
	Responsible Officer	Chief Executive

Purpose

The purpose of the Strategy and Policy Committee (the Committee) is to set direction for the district, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies, policies and work programmes to achieve those goals.

In determining and shaping the strategies, policies and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment between the objectives and work programmes of the strategic outcomes of Council, being:

- Better data and information
- Affordable core infrastructure
- Improved Council capabilities and performance
- Address affordability
- Civic leadership and advocacy
- Empowering communities

The Committee will review the effectiveness of the following aspects:

- Trust and confidence in decision-making by keeping our communities informed and involved in decision-making.
- Operational performance including strategy and policy development, monitoring and reporting on significant projects, including, but not limited to:
 - FN2100
 - District wide strategies (Infrastructure/ Reserves/Climate Change/Transport)
 - District Plan
 - Significant projects (not infrastructure)
 - Financial Strategy
 - Data Governance
 - Affordability
- Consultation and engagement including submissions to external bodies / organisations

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 of the Council's business, operations and risks.

Power to Delegate

The Strategy and Policy Committee may not delegate any of its responsibilities, duties or powers.

Membership

The Council will determine the membership of the Strategy and Policy Committee.

The Strategy and Policy Committee will comprise of at least seven elected members (one of which will be the chairperson).

Mayor Carter

Rachel Smith – Chairperson

David Clendon – Deputy Chairperson

Moko Tepania

Ann Court

Felicity Foy

Dave Collard

John Vujcich

Belinda Ward – Bay of Islands-Whangaroa Community Board

Non-appointed Councillors may attend meetings with speaking rights, but not voting rights.

Quorum

The quorum at a meeting of the Strategy and Policy Committee is 5 members.

Frequency of Meetings

The Strategy and Policy Committee shall meet every 6 weeks but may be cancelled if there is no business.

Committees Responsibilities

The Committees responsibilities are described below:

Strategy and Policy Development

- Oversee the Strategic Planning and Policy work programme
- Develop and agree strategy and policy for consultation / engagement.
- Recommend to Council strategy and policy for adoption.
- Monitor and review strategy and policy.

Service levels (non-regulatory)

- Recommend service level changes and new initiatives to the Long Term and Annual Plan processes.

Policies and Bylaws

- Leading the development and review of Council's policies and district bylaws when and as directed by Council
- Recommend to Council new or amended bylaws for adoption

Consultation and Engagement

- Conduct any consultation processes required on issues before the Committee.
- Act as a community interface (with, as required, the relevant Community Board(s)) for consultation on policies and as a forum for engaging effectively.
- Receive reports from Council's Portfolio and Working Parties and monitor engagement.
- Review as necessary and agree the model for Portfolios and Working Parties.

Strategic Relationships

- Oversee Council's strategic relationships, including with Māori, the Crown, and foreign investors, particularly China
- Oversee, develop, and approve engagement opportunities triggered by the provisions of Mana Whakahono-ā-Rohe under the Resource Management Act 1991
- Recommend to Council the adoption of new Memoranda of Understanding (MOU)
- Meet annually with local MOU partners
- Quarterly reviewing operation of all Memoranda of Understanding
- Quarterly reviewing Council's relationships with iwi, hapū, and post-settlement governance entities in the Far North District
- Monitor Sister City relationships
- Special projects (such as Te Pū o Te Wheke or water storage projects)

Submissions and Remits

- Approve submissions to, and endorse remits for, external bodies / organisations and on legislation and regulatory proposals, provided that:
 - If there is insufficient time for the matter to be determined by the Committee before the submission "close date" the submission can be agreed by the relevant Portfolio Leaders, Chair of the Strategy and Policy Committee, Mayor and Chief Executive (all Councillors must be advised of the submission and provided copies if requested).
 - If the submission is of a technical and operational nature, the submission can be approved by the Chief Executive (in consultation with the relevant Portfolio Leader prior to lodging the submission).
- Oversee, develop, and approve any relevant remits triggered by governance or management commencing in January of each calendar year.
- Recommend to Council those remits that meet Council's legislative, strategic, and operational objectives to enable voting at the LGNZ AGM. All endorsements will take into account the views of our communities (where possible) and consider the unique attributes of the district.

Fees

- Set fees in accordance with legislative requirements unless the fees are set under a bylaw (in which case the decision is retained by Council and the committee has the power of recommendation) or set as part of the Long Term Plan or Annual Plan (in which case the decision will be considered by the Long Term Plan and Annual Plan and approved by Council).

District Plan

- Review and approve for notification a proposed District Plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), First Schedule of the Resource Management Act 1991);
- Withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
 - To authorise the resolution of appeals on a proposed plan, plan change or variation unless the issue is minor and approved by the Portfolio Leader District Plan and the Chair of the Regulatory committee.
 - To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal.
 - To consider and approve council submissions on a proposed plan, plan changes, and variations.
 - To manage the private plan change process.
 - To accept, adopt or reject private plan change applications under clause 25 First Schedule Resource Management Act (RMA).

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.

STRATEGY AND POLICY COMMITTEE - MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Rachel Smith (Chair)	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 and Treasurer		
	Vision Kerikeri	Financial Member		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
	Vision Kerikeri	Financial Member		
	Town and General Groundcare Limited	Director. Shareholder		
David Clendon (Deputy Chair)	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
David Collard	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	District Licensing	N/A	N/A	N/A
	Ann Court Trust	Private	Private	N/A

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
Felicity Foy	Flick Trustee Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties Seaview Road – Cable Bay, and Allen Bell Drive - Kaitaia.		
	Elbury Holdings Limited	This company is directed by my parents Fiona and Kevin King.	This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			dwelling is located in the Far North at Kaimaumau, Bird Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight and Allen Bell Drive.	
	Foy Farms Partnership	Owner and partner in Foy Farms - a farm on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for dwellings on Church Road, Kaingaroa and dwellings on Allen Bell Drive, Kaitaia, and property on North Road, Kaitaia, one title contains a cell phone tower.		
	King Family Trust	This trust owns several titles/properties at Cable Bay, Seaview Rd/State Highway 10 and Ahipara - Panorama Lane.	These trusts own properties in the Far North.	
	112 Commerce Street Holdings Ltd	Owner of commercial property in Commerce Street Kaitaia.		
	Foy Property Management Ltd	Owner of company that manages properties owned by Foy Farms Rentals and Flick Family Trust.		
	Previous employment at FNDC 2007-16	I consider the staff members at FNDC to be my friends		
	Shareholder of Coastline Plumbing NZ Limited			
Felicity Foy - Partner	Director of Coastline Plumbing NZ Limited			
	Friends with some FNDC employees			
Kelly Stratford	KS Bookkeeping and Administration	Business Owner, provides book keeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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
	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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
				determine there is a conflict
	Kawakawa Business and Community Association	Member		Will declare a perceived conflict should there appear to be one
Kelly Stratford - Partner	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest, I would step aside from decision making
Moko Tepania	Teacher	Te Kura Kaupapa Māori o Kaikohe.	Potential Council funding that will benefit my place of employment.	Declare a perceived conflict
	Chairperson	Te Reo o Te Tai Tokerau Trust.	Potential Council funding for events that this trust runs.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Te Rarawa	As a descendent of Te Rarawa I could have a perceived conflict of interest in Te Rarawa Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Whaingaroa	As a descendent of Te Rūnanga o Whaingaroa I could have a perceived conflict of interest in Te Rūnanga o Whaingaroa Council relations.	Declare a perceived conflict
	Tribal Member	Kahukuraariki Trust Board	As a descendent of Kahukuraariki Trust Board I could have a perceived conflict of interest in Kahukuraariki Trust Board Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga ā-Iwi o Ngāpuhi	As a descendent of Te Rūnanga ā-Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-Iwi o Ngāpuhi Council relations.	Declare a perceived conflict

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
John Vujcich	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	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
	Member	Kaikohe Business Association	Possible funding provider	Declare a Conflict of Interest
Belinda Ward	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
Belinda Ward (Partner)	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		

Far North District Council
Strategy and Policy Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 3 May 2022 at 9:30 am

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6.3	Natural and Built Environments Act further feedback to the Ministry for the Environment.....	335
6.4	Mana Whakahono-ā-Rohe /Iwi Participation Arrangement with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi	349
6.5	Completion of the Draft District Plan and Timetable for Notification.....	352
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1 KARAKIA TIMATANGA – OPENING PRAYER**2 NGA WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

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

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

3 TE TONO KŌRERO / DEPUTATION

- Brent Eastwood representing Sporth Nothland Ltd (10 minute presentation)
- Liz Moncrieff representing Ministry for the Environment (10-15 minute presentation).

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3675177

Author: Joshna Panday, Democracy Advisor

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

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

RECOMMENDATION

That the Strategy and Policy Committee agrees that the minutes of the meeting held 22 March 2022 be confirmed as a true and correct record.

1) BACKGROUND

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

2) 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.

ATTACHMENTS

- 1. 2022-03-22 Strategy and Policy Committee Minutes [A3641163] - A3641163**  

Compliance schedule:

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

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

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

**MINUTES OF FAR NORTH DISTRICT COUNCIL
STRATEGY AND POLICY COMMITTEE MEETING
HELD AT THE VIRTUALLY VIA MICROSOFT TEAMS
ON TUESDAY, 22 MARCH 2022 AT 9:30 AM**

PRESENT: Deputy Chairperson Cr David Clendon, Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr Dave Collard, Cr Felicity Foy, Cr Moko Tepania, Cr John Vujcich, Member Belinda Ward

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

1 KARAKIA TIMATANGA – OPENING PRAYER

Deputy Chairperson David Clendon commenced the meeting and General Manager Darren Edwards opened with a karakia.

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

2.1 APOLOGIES

RESOLUTION 2022/11

Moved: Cr David Clendon

Seconded: Cr John Vujcich

That an apology be received from Chairperson Cr Rachel Smith and Cr Kelly Stratford and a leave of absence granted.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Nil

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

There were no deputations for this meeting.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3618562, pages 16 - 23 refers.

RESOLUTION 2022/12

Moved: Cr John Vujcich

Seconded: Cr Felicity Foy

That the Strategy and Policy Committee agrees that the minutes of the meeting held 8 February 2022 be confirmed as a true and correct record.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Nil

CARRIED

5 REPORTS

5.1 PARKING ON STATE HIGHWAYS BYLAW

Agenda item 5.1 document number A3585204, pages 24 - 30 refers.

RESOLUTION 2022/13

Moved: Cr Moko Tepania

Seconded: Cr Dave Collard

That the Strategy and Policy Committee recommends that the Council approve, that the Parking Bylaw, to be made under section 22AB of the Land Transport Act 1998, be amended to include the regulation of parking and stationary vehicle offences on State Highways as per the delegation given by Waka Kotahi.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Nil

CARRIED

5.2 ADOPTION OF THE REGIONAL CLIMATE CHANGE ADAPTATION STRATEGY

Agenda item 5.2 document number A3594420, pages 31 - 126 refers.

RESOLUTION 2022/14

Moved: Cr David Clendon

Seconded: Cr Moko Tepania

That the Strategy and Policy Committee recommends that Council adopts the Te Taitokerau Climate Change Adaptation Strategy.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Nil

CARRIED

5.3 REVIEW OF MARITIME FACILITIES AND MOORING CHARGES BYLAWS

Agenda item 5.3 document number A3602441, pages 127 - 171 refers.

RESOLUTION 2022/15

Moved: Cr Moko Tepania

Seconded: Cr John Vujcich

That the Strategy and Policy Committee recommend that Council approve the development of a new Maritime Facilities Bylaw, under section 145 and 146 of the Local Government Act 2002.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Nil

CARRIED

5.4 FNDC SPEED LIMIT REVIEWS - RECOMMENDED SPEED LIMITS

Agenda item 5.4 document number A3604276, pages 172 - 405 refers.

RESOLUTION 2022/16

Moved: Cr Moko Tepania

Seconded: Cr John Vujcich

That the Strategy and Policy Committee recommend that Council:

- a) receive, in its capacity as a Road Controlling Authority, the attached *Regional Speed Limit Review Technical Report – Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach* (Attachment 2).
- b) approves, in its capacity as a Road Controlling Authority, pursuant to Section 22AB(1)(d) of the Land Transport Act 1998, new speed limits set out in the *Regional Speed Limit Review - Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach – Recommendations Report*, as set out in Attachment 1
- c) defers making amendments to the Speed Limits Bylaw 2019 set out in Attachment 1 *Regional Speed Limit Review - Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach – Recommendations Report* until signage to make the new speed limits enforceable is installed.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Nil

CARRIED

The meeting was adjourned from 11:33 am to 11:45 am.

6 INFORMATION REPORTS**6.1 UPDATE ON SPATIAL PLANNING**

Agenda item 6.1 document number A3549925, pages 406 - 409 refers

RESOLUTION 2022/17

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That the Strategy and Policy Committee receive the report Update on Spatial Planning.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward

Against: Nil

CARRIED

At 12:02 pm, Mayor John Carter left the meeting. At 12:22 pm, Mayor John Carter returned to the meeting.

6.2 JOINING THE SUSTAINABLE BUSINESS NETWORK

Agenda item 6.2 document number A3606348, pages 410 - 470 refers

RESOLUTION 2022/18

Moved: Cr David Clendon

Seconded: Cr Moko Tepania

That the Strategy and Policy Committee receive the report - Joining the Sustainable

Strategy and Policy Committee Meeting Minutes - **Unconfirmed**

22 March 2022

Business Network.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania and John Vujcich
Against: Member Belinda Ward

CARRIED**6.3 STRATEGY AND POLICY ACTION SHEET UPDATE MARCH 2022**

Agenda item 6.3 document number A3618577, pages 471 - 480 refers

RESOLUTION 2022/19

Moved: Mayor John Carter
Seconded: Cr Moko Tepania

That the Strategy and Policy Committee receive the report Action Sheet Update March 2022.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Moko Tepania, John Vujcich and Member Belinda Ward
Against: Nil

CARRIED**7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Cr Moko Tepania closed the meeting with a karakia

8 TE KAPINGA HUI / MEETING CLOSE**The meeting closed at 12:39 pm.****The minutes of this meeting will be confirmed at the Strategy and Policy Committee Meeting held on 3 May 2022.**.....
CHAIRPERSON

5 REPORTS

5.1 NEW EASTER SUNDAY SHOP TRADING POLICY CONSULTATION

File Number: A3631374

Author: Donald Sheppard, Sustainability Programme Coordinator

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To adopt a Statement of Proposal (SOP) for public consultation on an Easter Sunday Shop Trading Policy and set a date for oral submissions.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- On 24 February 2022, the Council resolved that a new Easter Sunday Shop Trading Policy (the Policy) be developed allowing shops to open on Easter Sunday throughout the Far North District.
- This Policy will replace the current Easter Sunday Trading Policy which will revoke on 17 February 2024.
- The Shop Trading Hours Act 1990 (the Act) requires that Councils consult using the Special Consultative Procedure described in the Local Government Act 2002 when making an Easter Sunday Shop Trading Policy.
- A statement of proposal for the new Easter Sunday Shop Trading Policy, including a draft of the Policy, is in Attachment 1.
- The recommended consultation period for written submissions is five weeks, from 9 May to 10 June 2022, and oral hearings, if any will be held on 14 June 2022.
- The Strategy and Policy Committee has the delegations to conduct the hearing of submissions.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee:

- a) approves the Statement of Proposal for a new Easter Sunday Shop Trading Policy in Attachment 1 to be released for public consultation to meet the requirements of section 5B(1) of the Shop Trading Hours Act 1990;
- b) approves the period for making written submissions on the proposal to be 9 May to 10 June 2022;
- c) approves that the Committee will hear any oral submissions on 14 June 2022 and agrees to delegate, to the Chair, the power to change the date of the oral presentations of submissions;
- d) directs Council staff to make all necessary logistical arrangements for oral submissions to be heard, on 14 June 2022, either in person in the Council Chambers or online via Microsoft Teams.

1) TĀHUHU KŌRERO / BACKGROUND

The Council adopted the current Easter Sunday Trading Policy on 17 February 2017 in consultation with the community. This current policy allows shops throughout the district to open on Easter Sunday.

Pursuant to Section 5C of the Act the current policy was due for review by 17 February 2022 but was not reviewed within the required timeline. Therefore, the current policy will automatically revoke on 17 February 2024.

On 24 February 2022, pursuant to section 5A(1) of the Act the governing body of council resolved that a new Policy be developed allowing shops to open on Easter Sunday throughout the Far North District.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Form and content of the new Policy

A draft of the new Policy is in the statement of proposal (Attachment 1).

As stated, the new Policy will continue to allow Easter Sunday trading across the whole district.

Council staff have addressed the appropriateness of the form and content of the new Policy by:

- including a map of the whole district as required by legislation
- following best practice drafting standards (as advocated by the Parliamentary Counsel Office).

Statement of proposal for consultation

Pursuant to section 5B(1) of the Act, Council must follow the Special Consultation Procedure in consulting with the public regarding a proposed Policy. As described in section 83 of the Local Government Act 2002, the Special Consultation Procedure requires the Council to:

- prepare and adopt a statement of proposal or a summary of this proposal
- make publicly available the statement of proposal (or summary), a description of how people can present their views, and how long the consultation period will be (with a minimum of one month)
- make the statement of proposal as widely available as is reasonably practicable
- provide an opportunity for people to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority including via an audio or audio-visual link

Consultation process

The Special Consultation Procedure requires that at least one month is allowed for public consultation. Therefore, Council staff recommend that written consultation on the statement of proposal opens on 9 May 2022 and closes on 10 June 2022, which is a period of 5 weeks.

To ensure wide communication of the consultation, public notices will be placed in local community newspapers. A link to the webpage for making submissions will be emailed to the Council's "subscribers" database and publicised on the Council's social media pages.

Council staff recommend people be encouraged to present their views primarily via the Council's website. In addition, a submission form will be provided for download on the website for people to print and use to make written submissions either by post or delivery to Council offices. A small number of printed copies of the proposal document and submission form will be made available at Council offices for people to use if they are not able to print the documents themselves.

The proposed new Policy is likely to be of high interest to some members of the public and Council staff expect some people will want to present their submissions orally to elected members. The Strategy and Policy Committee has delegated authority to hear oral submissions made during consultation on a policy. Staff therefore recommend the Committee sets a hearing date now so it can be publicised during the period for making submissions and people will know when they will be heard. To allow time for hearing logistics to be arranged, the earliest suitable date for a hearing would be 14 June 2022.

Council staff also recommend the Committee delegates to the Chair the power to change the hearing date so that if other events, or the number of people who want to be heard, mean the date is no longer suitable, a new date can be set without the need for the Committee to convene to make that decision.

Take Tūtohunga / Reason for the recommendation

Council staff recommend the Committee:

- approves the statement of proposal in Attachment 1 to be published for consultation because it meets the requirements of section 83 of the Local Government Act 2002
- agrees the period for making written submissions on the proposal be from 9 May 2022 to 10 June 2022, a period of 5 weeks, to meet the requirements of the Special Consultative Procedure
- agrees to hearing oral presentations of submissions on 14 June 2022 and directs Council staff to make the necessary logistical arrangements for people to present their submissions either in person in the Council Chambers or online via Microsoft Teams on that date so that people know when to present their oral submissions
- delegates the power to change the date of oral presentations of submissions to the Chair as it is not necessary for the whole Committee to be convened to decide on a new date.

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

The cost of consulting on the statement of proposal for a new Easter Sunday Shop Trading Policy will be met from existing budgets.

ĀPITI HANGA / ATTACHMENTS

1. Statement of Proposal - Easter Sunday Shop Trading Policy 2022 - A3675943 [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	The Easter Sunday Shop Trading Policy has a low level of significance as: a) it does not involve the transfer of ownership or control of a strategic asset or other important asset; and b) it is not inconsistent with current Council plans and policies.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	<p>The Easter Sunday Shop Trading Policy will be made under the Shop Trading Hours Act 1999. This Act specifies that making a new Easter Sunday Shop Trading Policy will require the Special Consultative Procedure described in section 83 of the Local Government Act 2002.</p> <p>The Policy will help achieve a key community outcome listed in Council's Long Term Plan 2021-2031: Having prosperous communities supported by a sustainable economy. The Policy will support businesses who rely on the tourist trade during the long Easter weekend. Applying this Policy across the whole District is fair for all retail businesses in the district.</p>
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.	<p>The proposal has district-wide relevance and is not within the delegations of Community Boards to consider.</p> <p>However, in December 2021 Community Board members and Councillors were invited to provide feedback on the Policy via an informal poll on the elected members' lounge. All the poll responses were in favour of continuing to allow Easter Sunday trading across the whole district.</p>
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	The proposed Policy does not relate to land and/or any body of water. The implications for Māori from the Policy provisions are similar to the impacts on communities generally.

State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	Seeking the views and input of iwi in the development of policies is integral. Māori will be given an opportunity to consult as part of the special consultative procedure.
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).	<p>It is likely that the Policy will have broad interest across the community including from shop employers and employees and those who may wish to purchase goods and services on Easter Sunday.</p> <p>Interested and affected parties are likely to include:</p> <ul style="list-style-type: none"> a) Christians b) unions representing shop workers c) business associations.
State the financial implications and where budgetary provisions have been made to support this decision.	The cost of consulting on the statement of proposal for a new Easter Sunday Shop Trading Policy will be met from existing budgets.
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer.



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Statement of Proposal

Easter Sunday Shop Trading Policy

1 Context and Situation

The Shop Trading Hours Act 1990 was amended in 2016 to enable councils to make a policy to allow shops to open on Easter Sunday, throughout their district or in specified parts of their district. The shops covered by such a policy exclude businesses such as garden centres, petrol stations and pharmacies which can open on Easter Sunday. In addition, a policy will not apply to liquor outlets which are covered by liquor licensing regulations. An order also allows shops in Paihia to open on Easter Sunday regardless of such a policy.

The Council adopted the current Easter Sunday Trading Policy on 17 February 2017 in consultation with the community. This Policy allows shops to open on Easter Sunday throughout the district.

Under Section 5C of the Shop Trading Hours Act 1990, the current policy will automatically revoke on 17 February 2024, as it was not reviewed as required by legislation by 17 February 2022. The Council is not able to stop the current Policy from being revoked. Therefore, to continue having an Easter Sunday Trading Policy, a new policy must be made.

On 24 February 2022 the governing body resolved that a new Easter Sunday Shop Trading Policy (Policy) be developed allowing shops to open on Easter Sunday throughout the Far North District.

Making a Policy to allow Easter Sunday shop trading will provide social and economic benefits for the district – businesses will benefit from Easter Sunday sales while shoppers, including visiting tourists, will have the convenience of being able to shop at this time. This policy will not greatly affect cultural factors such as the observance of Easter Sunday as a sacred day, as Christians can still worship on this day.

Under the Shop Trading Hours Act 1990 employers must provide at least four weeks' notice to staff of their intention to open on Easter Sunday. All shop employees have the right to refuse to work on Easter Sunday and are not required to provide their employer with a reason for refusing.

2 Proposal

The Council proposes to make a new Easter Sunday Shop Trading Policy to permit shops to open on Easter Sunday across the Far North District.

3 Reasons for the proposal

The Council adopted a policy in consultation with the community to enable Easter Sunday shop trading across the whole district on 17 February 2017. As this current Policy will revoke on 17 February 2024, a new policy must be made to continue allowing Easter Sunday shop trading.

4 Analysis of reasonably practicable options

The Council considered three options for Easter Sunday trading:

1. Status quo: Adopt a new policy which continues to allow Easter Sunday shop trading across the whole district
2. Make a new policy that only allows Easter Sunday trading in some parts of the district
3. Do not make a new policy, allow the policy to automatically revoke in February 2024. This would mean Easter Sunday trading would not be allowed in the district (except in Paihia where there is an order allowing shops to open on Easter Sunday).

The advantages and disadvantages of these options are summarised in the following table:

Option	Advantages	Disadvantages
1. Status quo: Adopt a new policy which continues to allow Easter Sunday shop trading across the whole district	<p>The whole district, particularly tourist towns, can benefit from trade. For example, cafes will gain business from visitors to the district for the long Easter weekend.</p> <p>Allowing businesses to remain open on Easter Sunday will make towns vibrant and provide more options for locals and visitors.</p> <p>Under the Act, workers can choose not to work on Easter Sunday.</p>	<p>Although workers can opt out of working on Easter Sunday, they may feel pressured to work on this day.</p> <p>Workers will lose a guaranteed day off work.</p> <p>Not respecting Easter Sunday as an important day in the Christian calendar.</p>
2. Make a new policy that only allows Easter Sunday trading in some parts of the district	<p>Towns identified can benefit from trade, for example cafes gaining visitors to the district for the long Easter weekend.</p>	<p>The only towns which can benefit from Easter Sunday Trade are those specified in the policy.</p> <p>Business people in towns that are excluded from the policy may feel this is unfair</p>
3. Do not make a new policy , allow the policy to automatically revoke in February 2024. Easter Sunday trading would not be allowed except in Paihia	<p>Takes away any pressure on workers to work on Easter Sunday.</p> <p>Avoids the loss of a guaranteed day off work.</p> <p>Respecting Easter Sunday as an important day in the Christian calendar.</p>	<p>Only trade that is exempt under the Act such as pharmacies, garden centres, and petrol stations, can proceed on Easter Sunday.</p> <p>Businesses relying on the tourist trade in the long weekend will be disadvantaged.</p>

The Council resolved that Option One is the preferred Option, for the following reasons:

- To support the social and economic wellbeing of communities in the district.
- No complaints or issues have been recorded with the current policy which allows Easter Sunday trading across the district.
- It supports businesses who rely on tourist trade during the long Easter weekend.
- Applying the Policy throughout the District is fair to all businesses.
- It does not prevent workers from opting not to work on Easter Sunday.
- It does not stop Christians observing their faith on this holy day.

5 How to give your views on the proposal

The Council encourages any person or organisation affected by, or having an interest in, the Easter Sunday Shop Trading Policy to present their views on the proposal to the Council by making a submission.

You can make a submission by using any of the following methods:

- online at the Council's website www.fndc.govt.nz/have-your-say
- email your submission to submissions@fndc.govt.nz
- drop-off your submission at any Council service centre or library, details of their locations and opening times are listed at www.fndc.govt.nz/contact or you can get that information by phoning the Council on 0800 920 029
- post your submission to: Strategy Development Team, Far North District Council, Private Bag 752, Kaikohe 0440
- make an oral presentation of your submission at a hearing of the Council's Strategy and Policy Committee.

Please include your full name and email address or postal address in your submission if you want:

- the Council to acknowledge receipt of your submission
- to make an oral presentation – you will be contacted about when and where the meeting for this will take place.

Privacy statement – Please be aware, any submissions that are made on the new Easter Sunday Shop Trading Policy become part of the public consultation process. As such, all submissions, any summaries of submissions, and any documents provided with your submission, will be copied and made available to the Council's governing body as well as the public. Any personal information included with a submission such as your name is treated as part of the submission and will also be released publicly. Your submission and any personal information that you supply such as your name will not be treated as confidential unless you specifically request this in your submission.

6 Draft Easter Sunday Shop Trading Policy

The draft Policy is as follows:

Background

The Shop Trading Hours Act 1990 was amended in 2016 to enable councils to decide whether retailers in their districts can open on Easter Sunday. Council first adopted a policy to allow shops to open on Easter Sunday in 2017.

Application

This policy applies to all shops in the Far North District.

This policy does not override other legislative provisions, such as liquor licensing provisions.

The Shop Trading Hours Act 1990 includes protective provisions so no shop employee will be required to work on Easter Sunday.

Definitions

The following definitions apply to this Policy:

- **Council** – means the Far North District Council.

- **Far North District** - means the area of jurisdiction of the Far North District Council (see attached map).
- **Policy** – means the Council's adopted Easter Sunday Shop Trading Policy.
- **Shop** – has the same meaning as in the Shop Trading Hours Act 1990.
- **Shop employee** – has the same meaning as in section 5F of the Shop Trading Hours Act 1990.

Legislative Context

Easter Sunday shop trading is subject to various legislative controls including, but not limited to the Shop Trading Hours Act 1990 and Sale and Supply of Alcohol Act 2021.

Objective

To support economic and social wellbeing by permitting shops to open on Easter Sunday throughout the Far North District.

Policy

The Council permits shops to open on Easter Sunday throughout the Far North District.

Monitoring and Implementation

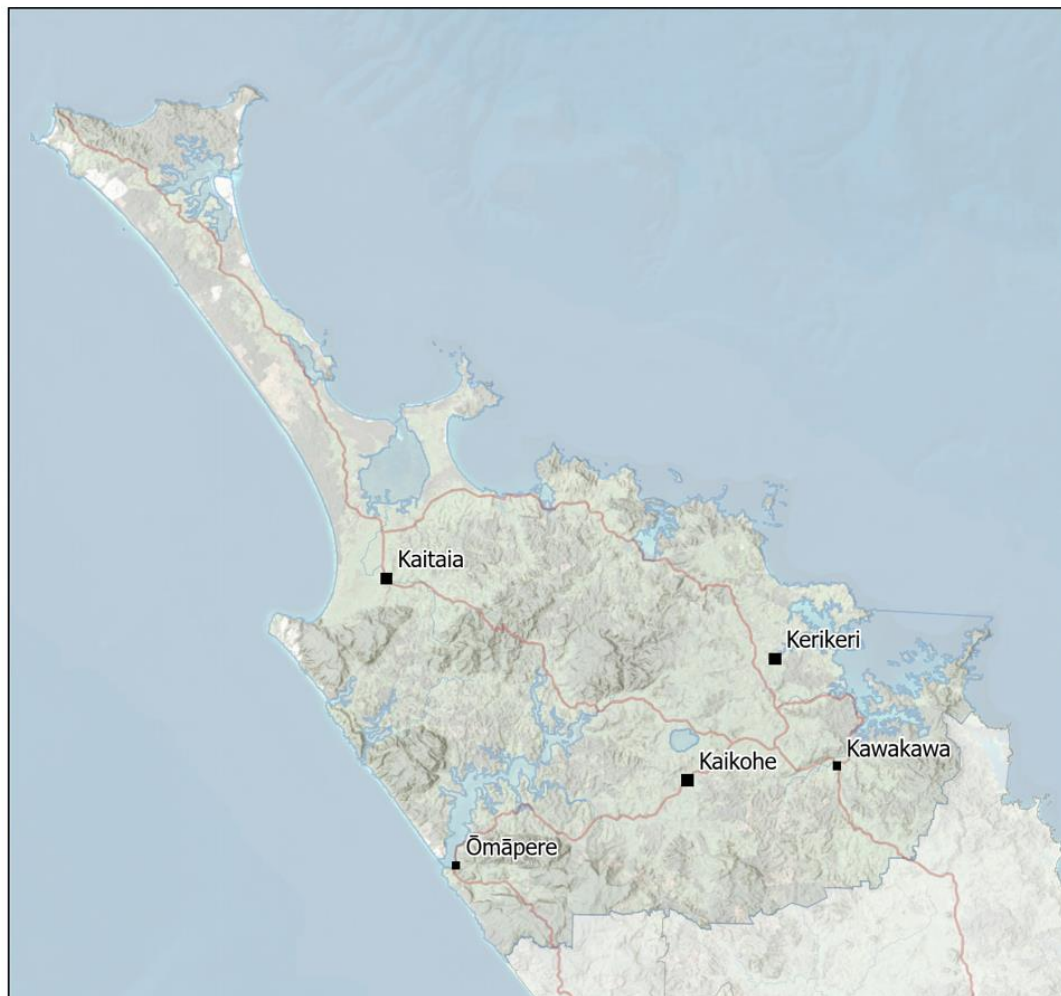
Implementation of the policy will be monitored by the Council.

The policy must be reviewed no later than 5 years after it is adopted.

The policy may also be reviewed in response to issues that may arise, at the request of the Council or Community Boards, or in response to changes to legislative or statutory requirements (whichever occurs first).

Amending this policy following a review will be subject to public consultation.

Map of the Far North District



5.2 CLIMATE CHANGE POLICY OPTIONS REPORT

File Number: A3641211

Author: Donald Sheppard, Sustainability Programme Coordinator

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek approval to develop a Climate Change Policy.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- On 20 May 2020 Council approved the Climate Change Roadmap which includes an initiative to develop climate change policies and strategies.
- Independent research conducted by Te Whakahaere Ltd identified that several climate-related governance mechanisms have not fully captured the Taskforce on Climate-related Financial Disclosures recommendations.
- Having insufficient climate governance mechanisms could expose the Council to significant economic, legal, and reputational risks.
- Council staff recommend that the Council should address this policy vacuum by developing a climate change policy.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommends that Council approves the development of a climate change policy.

1) TĀHUHU KŌRERO / BACKGROUND

On 20 May 2020, Council approved the Climate Change Roadmap (the roadmap). One of the initiatives in the roadmap is to “implement climate change policy into Council reporting and decision making” with funding for this initiative included in the 2021/24 LTP period.

In September 2020 Simpson Grierson advised the Council to adopt a Climate Assessment Policy to “take into account and address climate change-related risk in decision-making, an essential step in mitigating [Council’s] climate-related legal risk”.

The Te Tai Tokerau Climate Adaptation Strategy adopted by the Council on 7 April 2022 recognised that the development of climate change related policy is a priority action for all Northland councils.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Council’s role regarding climate-related issues.

A range of both current legislation and government advice supports council actions to respond to climate change including the:

- Local Government Act 2002
- Resource Management Act 1991
- Climate Change Response Act 2002
- National Climate Change Risk Assessment released in August 2020
- New Zealand Coastal Policy Statement 2010.

Planned Future Legislation

- National Carbon Emissions Reduction Plan (due by 31 May 2022)
- Climate Change Adaptation Act and National Adaptation Plan (due in late 2022)

Climate-related financial disclosure

The Taskforce on Climate-related Financial Disclosures (TCFD) framework is an internationally recognised guide to managing climate-related risks. It includes four aspects:

- a) **governance** of the risks and opportunities arising from climate change
- b) understanding the **actual and potential effects of these risks and opportunities** on the organisation's business, strategy, and financial planning
- c) having **processes to identify, assess, and manage the risks and opportunities**
- d) using **metrics and targets** to assess, monitor and manage the risks and opportunities.

As outlined in section 5ZW of the Climate Change Response Act 2002 a local authority may be required to provide information on these areas.

Research assessment

Council staff commissioned Te Whakahaere Ltd to conduct a climate change governance assessment against the TCFD recommendations for Council.

This assessment included a review of relevant Council governance documents and mechanisms, as well as interviews with Tier 2 and Tier 3 managers.

The research report (see attachment 1) critiques all of Council's key governance documents and provides advice as to how these could be strengthened to meet TCFD guidelines.

Research findings

Key findings from the research report are summarised below:

- 1) The report notes some positive aspects of Council's climate-related governance:
 - Climate change is recognised in many of Council's governance documents, such as the Long-Term Plan and District Plan.
 - Council's risk management framework has excellent consideration of climate change risks. Regular reporting on these risks will help the Council monitor progress to mitigate these risks.
 - The Roadmap provides a good overview of the direction Council should take.
- 2) The report also identifies several shortcomings in Council's governance of climate matters:
 - The Roadmap lacks a strong connection to core governance mechanisms and does not identify management's role in responding to climate change.
 - Council's specific positions regarding climate risks and opportunities are not stated in the governance documents.
 - There is no structured oversight of climate-related risks in Council reports other than by the Audit, Risk and Finance Committee. This may lead to inconsistent and potentially ill-informed decision-making and expose the Council to increased climate-related risks.
 - The Council has not quantified climate risks to its assets, nor are these risks addressed in asset management plans. Without quantifying the risks and the impact of risk treatment options, it will be nearly impossible to maintain effective oversight of Council's assets.
 - There is minimal internal reporting or monitoring of climate-related issues other than via the risk management framework.

- There are minimal climate-related metrics and targets captured in any governance documents or mechanisms.
- Financial planning should give greater weight to climate change including considering a range of carbon prices, capturing climate change costs in capital upgrades, and prioritising climate-related training for the finance team.
- Far North Holdings has received no direction on how it should respond to or report on climate-related issues. This lack of guidance means that the Council may be unaware of associated climate-related risks and opportunities.

Report recommendations

The report recommends:

- implementing a monitoring and evaluation dashboard to greatly support oversight (Note, this initiative is already budgeted for within the 2021/24 Long Term Plan)
- developing a Climate Policy to address the policy vacuum described above.

Approximately 90% of the managers who were interviewed by Te Whakahaere support the development of a climate policy to guide how they are expected to respond to climate-related issues. Several managers stated the need for training and guidelines to support the implementation of a Policy.

Options to consider:

Option One: Status quo - do not develop a climate policy for the Council and do not strengthen current governance documents regarding climate and climate change.

This option represents the status quo situation where climate-related guidance is provided by the Roadmap, the climate risk framework, and the Te Tai Tokerau Climate Adaptation Strategy.

Without developing a climate policy or strengthening current governance documents, Council could still make progress in addressing the governance shortfalls identified in the research report, for example:

- The Strategic Leadership could task managers at all levels with climate change responsibilities.
- The Roadmap already includes an initiative to develop a dashboard to track and monitor key climate indicators that is budgeted for in the 2021/24 Long Term Plan.
- The appointment of a Climate Change Manager at Tier Three level will resolve where some of the responsibilities for climate action lie.

Advantages and disadvantages of continuing with the status quo	
Advantages: Some key recommendations of the research report can go ahead such as developing a climate change dashboard.	Disadvantages: Climate decisions will continue to be made in a policy vacuum with no strong guidelines or direction regarding what is expected. These decisions are likely to be ad hoc and inconsistent, which could mean that decisions will be difficult to justify in a legal review or in court. Decisions may set precedents that will be difficult to meet. The role of management in addressing climate change across the whole organisation will not be articulated. Council will not achieve the action to develop a Climate Policy as prescribed in the Climate Change Roadmap.

Option Two: Strengthen current governance documents regarding climate and climate change but do not develop a climate policy for the Council

With this option key governance documents would be strengthened to provide a greater focus on climate and climate change, but a climate policy would not be developed.

The actions described in option one will continue.

Section 3.1 of the research report identifies suggested changes to documents to meet TCFD guidelines. Some examples could involve:

- amending documents to refer to management's role in responding to climate change risks and opportunities
- amending financial and asset management documents to explicitly refer to quantified climate risks
- describing the process for addressing climate risks and opportunities, for example in business cases and plans
- amending Council's reporting template to include consideration of climate change in every report
- amending Far North Holdings Statement of Intent to ensure that climate change issues are addressed.

Advantages and disadvantages of strengthening governance documents without a Climate Policy	
<p>Advantages:</p> <p>Compared with Option One, this Option will considerably strengthen Council's response to climate change.</p> <p>Climate change considerations would be embedded in the governance documents where they are now lacking, to better meet TCFD recommendations for climate change governance.</p> <p>More transparency of climate-related considerations in governance documents enabling better climate disclosure.</p>	<p>Disadvantages:</p> <p>While amending current governance documents would strengthen Council's response to climate change, this will only go some way towards establishing a coherent unifying approach to guide elected members and staff.</p> <p>Council's specific positions on climate change will not be clear.</p> <p>This option requires the explicit quantification of climate risks to assets and the associated financial risk.</p>

Option Three: Develop a Climate Change Policy

A new Climate Change Policy would state where governance documents need to be strengthened in accordance with TCFD recommendations as described in Option Two.

The Policy would provide overall guidance and direction regarding Council's response to climate change. Crucially it will set out Council's positions on a range of climate-related matters. Examples of these positions could include:

- Council's carbon emissions reduction 3-yearly targets.
- Council's position on pursuing climate-related opportunities such as planting native forests as a carbon sink.
- Council's position on the protection of coastal communities from the risks of coastal erosion and inundation.

Advantages and disadvantages of making a Climate Policy	
<p>Advantages:</p> <p>Improving climate-related oversight and governance.</p> <p>Enabling more coherent and consistent decision-making and avoiding reactive management of climate change issues.</p> <p>Council's positions on specific climate matters will be clear, with Council's level of ambition and risk tolerance regarding these matters made explicit.</p> <p>Governance of climate matters will better meet TCFD recommendations, which will help with climate-related disclosure.</p> <p>Reducing the risk of legal challenges to Council's decisions.</p> <p>Meeting the expressed needs of management for a Climate Policy to guide their decisions.</p>	<p>Disadvantages:</p> <p>This will be a more complex task than Option One or Two and may take longer to accomplish.</p> <p>Fully implementing this policy will require change management, including training of staff.</p>

Advantages and disadvantages of making a Climate Policy	
Advantages: Transparency for the public re Council's response to climate change. Help drive a concerted effort to address the risks and opportunities associated with climate.	Disadvantages:

Take Tūtohunga / Reason for the recommendation

Option Three (developing a Climate Policy) is recommended for the following reasons:

- this is the most thorough and coherent approach to strengthening Council's governance of climate-related risks and opportunities
- will best meet the TCFD recommendations for addressing and managing climate risks and opportunities, which will assist with climate disclosure
- will provide a head of power for climate action by stating Council's positions and expectations, providing guidance and direction, and defining expectations of management
- will best enable oversight of climate matters by elected members and management.

Next Steps

If the Council approves the development of a Climate Policy, staff aim to present a draft policy to the Council by the fourth quarter of 2022

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

The funds for developing a Climate Policy and associated strengthening of governance documents will come from funding approved in the 2021/24 Long Term Plan.

ĀPITIHINGA / ATTACHMENTS

1. **FNDC_Climate Governance Research Paper_2022-03-30 - A3656377** [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	The proposed Climate Policy and associated strengthening of governance documents has a low level of significance as: a) it does not involve the transfer of ownership or control of a strategic asset or other important asset; and b) it is not inconsistent with current Council plans and policies such as the Long Term Plan, the District Plan, the Roadmap, risk management framework and the Te Tai Tokerau Climate Adaptation Strategy.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	<p>There is a raft of relevant legislation defining Council's role in respect of climate change, with more legislation planned in 2022.</p> <p>Key Council documents include the Long Term Plan District Plan, the Roadmap, Risk Assessment framework and the Regional Climate Adaptation Strategy.</p> <p>Climate change touches on most of the community outcomes listed in the Long Term Plan and therefore improving governance in the climate area, will help achieve these outcomes.</p>
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The proposed action has district-wide relevance and is not within the delegations of Community Boards to consider.
<p>State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.</p> <p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p>	<p>While improving Council's governance regarding climate change is considered an internal administrative matter, Council's policy positions on climate change are likely to affect Māori in many ways and the policy decisions are also likely to affect land and bodies of water.</p> <p>Therefore, in developing a Climate Policy and the associated strengthening of governance documents, Māori will be asked to contribute to decision making.</p>

Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Although the recommended Climate Policy is largely an internal policy, the whole community is affected by climate change. Therefore, some aspects of the Policy are likely to require community engagement.
State the financial implications and where budgetary provisions have been made to support this decision.	<p>The funds for developing a Climate Policy and associated strengthening of governance documents will come from funding approved in the 2021/24 Long Term Plan.</p> <p>In addition, a climate change dashboard has been approved in 2021/24 LTP funding.</p>
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer.

Far North District Council Climate Change Governance

Governance Research Paper

March 2022

Date/ Version:

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Prepared by:

Donovan Burton

Chloe Portanger

Te Whakahaere

Executive Summary

FNDC Climate Governance Review: Executive Summary

The report contains the results of a review of a climate change governance assessment for Far North District Council (FNDC). The approach follows the Informed.City™ governance assessment methodology that helps identify where climate change has been included in a local government's governance arrangements and illustrates how these actions align with the recommendations of the Taskforce on Climate-related Financial Disclosures (TCFD) for disclosing climate-related risks.

The methods used include a review of relevant governance documents and mechanisms, together with interviews with FNDC management.

Key Findings

This review found that FNDC considers climate change a significant issue, has reflected it in some governance documents, and has commenced several activities in response. The key findings are:

- **Climate change is included in many governance documents, and the focus is predominantly on recognition and justification for oversight.** Climate change considerations were in both mandatory and non-mandatory documents, with a large percentage of these in the Long Term Plan (which includes the Financial Strategy and the Infrastructure Strategy) and the Operative District Plan.
- **The risk management framework has an excellent consideration of climate change with the issue captured in the risk register.** The reflection of climate change in the risk register covers a taxonomy of four risk types and requires quarterly reporting, which will help FNDC to monitor the issue.
- **FNDC has developed a Climate Change Roadmap (Roadmap), which provides a good overview of the drivers for a structure response to climate change.** The Roadmap contains a wealth of evidence and direction and forms a robust platform for progress. However, the Roadmap lacks a strong implementation connection to core governance mechanisms and operates without core governance support (e.g. via a policy).
- **There is no evidence of structured oversight of climate-related risks in Council reports and committees.** The lack of governance documents/processes that guide how climate change should be considered in Council and Committee decisions is likely to be affecting the oversight and management of climate change. This policy vacuum may lead to inconsistent and potentially ill-informed decision-making and expose FNDC to increasing climate-related risks.
- **Governance mechanisms do not identify management's role in responding to climate change.** Management plays a critical role in responding to climate-related issues. Although, it is not clear the extent of this role as there is no explicit direction captured in any governance mechanism, except for some reference in the risk management framework.
- **Far North Holdings (FNH) receives no direction on how it should respond to or report on climate-related issues.** There is no requirement or guidelines from FNDC for FNH to manage or report on climate-related issues specifically. This lack of guidance means that FNDC may be unaware of associated climate-related risks and opportunities.

- **FNDC has not quantified climate risks to its assets, nor is the issue reflected thoroughly in asset management plans.** Numerous climate-related risks may affect FNDC assets. Without quantifying the risks and risk treatment options (adaptation), it will be nearly impossible to maintain effective oversight of the issue.
- **There is minimal internal reporting or monitoring of climate-related issues.** It is not clear how climate change issues are tracked and monitored in FNDC, other than via the risk management framework. There are minimal climate-related metrics and targets captured in any governance documents or mechanisms. This means it will be difficult to monitor climate-related issues and the effectiveness of any responses.
- **Management supports the development of a climate change policy.** Interviews with FNDC found that approximately 90% of the management team supported the development of a climate policy, with many participants stating that the policy needs to guide how they are expected to respond to climate-related issues. Several managers stated the need for training and guidelines to support the implementation of a policy.

Key Recommendations

Several recommendations will help FNDC improve its oversight and management of climate-related issues.

1. **Develop and implement a climate policy.** It is evident that the current FNDC climate policy vacuum is affecting the way in which the organisation plans for, and responds to, climate-related issues. A climate change policy will greatly enhance FNDC's current response to the effects of climate change. It will act as a catalyst for improved climate-related oversight and governance. There are a number of policy approaches open to Council, with the most suitable option likely to be a staged policy or suite of policies, supported by a "foundation" policy.
2. **Develop a climate policy implementation plan.** The implementation plan could include targeted and/or all staff training, development of factsheets, links to key resources, presentations from sector experts, staff surveys, and community/stakeholder engagement.

Regardless of a policy decision, address the climate governance gaps. The following recommendations are aimed to address the key governance gaps. All of these can be further supported by a climate policy and should be implemented regardless of the policy decision (see below).

3. **Ensure FNH is adequately identifying and reporting on climate-related risks.** FNH's Statement of Intent should explicitly mention the management and reporting of climate-related issues. The implementation of this should be overseen by the relevant committee (currently the Assurance, Risk and Finance Committee). The Assurance, Risk and Finance Committee will require oversight direction/guidance for its role in this recommendation.
4. **Carry out a detailed climate change risk assessment of FNDC assets.** It should include geospatial analysis which quantifies in units (e.g. length or number of assets) and the asset value and/or replacement costs. Other variables may include the number of properties in which the asset supports service delivery (e.g. potable water), and the rateable income collected from those areas at risk (should the asset fail or reduce functionality). From the assessment, information can be utilised for key metrics, targets, financial planning, and risk monitoring.

5. **Improve climate change considerations in asset management plans.** Council should make it a priority to fully integrated considerations of climate change into all of its asset management plans (AMP). Explicit consideration of climate change in AMPs will allow FNDC to save money through reduced maintenance costs, fewer stranded assets, and improved asset performance.
6. **Develop climate change scenarios.** Climate change scenarios should be used to help identify the range of plausible futures and the ramifications for FNDC Long Term Plan development and implementation.
7. **Improve the consideration of climate change in financial planning.** This would include capturing climate change costing in capital upgrades, consideration of a range of carbon prices and prioritise climate-related training needs for the financial team to ensure they are aware of current and emerging considerations of climate change in accounting practices and standards.
8. **Implement a monitoring and evaluation dashboard.** A dashboard that enables monitoring of key climate metrics and evaluation against targets will greatly support oversight. However, it should be recognised that a dashboard is only as good as the governance mechanisms that support it.

FNDC Climate Change Governance: Governance Research Paper

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List of Abbreviations

AMP	Asset Management Plan
CCO	Council Controlled Organisation
FNDC	Far North District Council
FNH	Far North Holdings
LTP	Long-Term Plan
SDG	Sustainable Development Goals
TCFD	Task Force on Climate-related Financial Disclosures
XRB	External Reporting Board

FNDC Climate Change Governance: Governance Research Paper

1 Introduction

1.1 About this Report

FNDC recognises it has an obligation to address climate change in respect of both the impacts on the community and the operations of FNDC. In 2020 FNDC (via the Strategy and Policy Committee) received advice from Simpson Grierson which covered¹:

- The legal obligations of FNDC decision-makers (elected representatives and officers) to consider climate change.
- The subsequent legal risks associated with a failure (or inability) to meet those obligations.
- Developing climate-related legal risk assessment policy against which FNDC decisions would be assessed to ensure that FNDC's climate-related legal risk is appropriately addressed. (FNDC 2020)

Since that advice was presented to FNDC, Council has further supported the continued exploration of climate-related issues and associated responses. This research project uses a scan of FNDC's climate-related governance documents and interviews with managers to help FNDC develop a climate change policy.

2 Methodology

The assessment approach follows the Informed.City™ governance assessment methodology which is used to identify where climate change has been included in a local government's governance arrangements and illustrate how these actions align with the recommendations of the Taskforce on Climate-related Financial Disclosures (TCFD) for disclosing climate-related risks.

The need to focus on climate change governance is gaining momentum in academic literature, United Nations publications and approaches, and corporate disclosure frameworks (Clos 2015). For example, disclosure of governance arrangements around climate-related risks and opportunities is a key component of the recommendations of the Financial Stability Board's [Task Force on Climate-related Financial Disclosures](#) (TCFD) (see Figure 1). This framework also forms the basis of the emerging climate disclosure standards, as set out by the New Zealand External Reporting Board (XRB). The four themes that are covered by the TCFD and XRB are also explored in this assessment.

The 'lines of evidence' themselves do not rate the performance of the specific governance mechanism. They highlight the fact that there is a relevant mechanism that refers to a climate-related issue, that can be linked to the TCFD framework.

The method used in this report consists of a document review, and interviews with management. In this assessment we have consolidated the climate-related information into 'lines of evidence' and aligned Council's core governance documents with the four elements of the TCFD: 1). Governance, 2). Strategy, 3). Risk Management and 4). Metrics & Targets.

¹ We recommend that FNDC staff draw from that legal advice when describing the legal imperative for responding to climate change in any policy options report.

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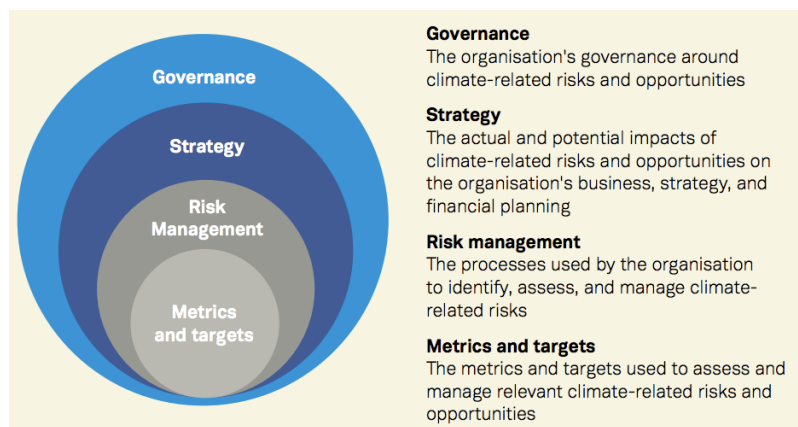


Figure 1: Core elements of recommended climate-related financial disclosures (TCFD 2017)

2.1 Document Review

The Document Review involved collating Council's core governance documents and assessing how climate change is included in these arrangements. The documents were collected from two sources: 1). Public documents found on the Council's website (publicly available), and 2). Internal documents provided by Council (council-provided). Some documents were both publicly available and provided by the Council.

The types of documents reviewed for Council have been grouped into three tiers. Tier 1 is 'Mandatory Documents', those which Council is legally required to prepare as directed under New Zealand legislation. The authors identified 28 Tier 1 documents from six document types that were included in this review (see Table 1).

Table 1: Description of types of mandatory documents (Tier 1)

Document Type	Legislation	Summary
Annual plan	Local Government Act 2002 (Section 95)	A local authority must prepare and adopt an annual plan for each financial year and make the plan publicly available.
Annual report	Local Government Act 2002 (Section 98)	A local authority must prepare and adopt in respect of each financial year an annual report. A local authority must make publicly available its annual report; and a summary of the information contained in its annual report.
Dangerous and insanitary buildings policy	Building Act 2004 (Section 131)	A territorial authority must adopt a policy on dangerous and insanitary buildings within its district.
Financial strategy (in LTP)	Local Government Act 2002 (Section 101A)	A local authority must, as part of its long-term plan, prepare and adopt a financial strategy for all of the consecutive financial years covered by the long-term plan.
Infrastructure strategy (in LTP)	Resource Management Act 1991 (Section 101B)	A local authority must, as part of its long-term plan, prepare and adopt an infrastructure strategy for a period of at least 30 consecutive financial years.
Statement of intent for council-controlled organisation	Local Government Act 2002 (Section 277)	Every council-controlled organisation (other than one to which section 276 applies) that is in existence on 1 July 2003 must, subject to section 64(2), have, in respect of the financial year beginning on 1 July 2004, a statement of intent in accordance with section 64(1).

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Tier 2 is 'Non-Mandatory Documents', which incorporates all other core governance documents used by Council to direct decision-making. This includes, but is not limited to, policies, plans, strategies, assessments, frameworks, orders, registers, and inventories. The authors found 32 non-mandatory document types which are within the scope of this review on Council's governance of climate-related issues.

Tier 3 is 'Governance Mechanisms', which includes documents that assist in informing and guiding the management of Council and their governance processes. The authors identified four Tier 3 document types: community board terms of reference, committee terms of reference, Council terms of reference, and Council report templates.

The document review process began once FNDC's documents were identified and downloaded. Keywords related to climate change, greenhouse gas emissions, risks and TCFD were highlighted in each document to assist the authors in locating the information. Each section of information that was relevant to a TCFD recommendation was recorded as a 'line of evidence', along with additional attribute information to help with presenting data insights.

Fifty-eight (58) documents were assessed for the FNDC document review. This includes 28 mandatory documents (Tier 1), 14 non-mandatory documents (Tier 2), and 16 governance mechanisms (Tier 3). The review also found 102 'lines of evidence' which support the TCFD's recommendations in disclosing climate-related risks. A list of FNDC's documents that include these lines of evidence has been provided in Appendix A. The governance review for FNDC was conducted on the 26th of January 2022.

2.2 Interviews with Management

One-on-one interviews with FNDC managers occurred from December 2021 to February 2022. The semi-structured interviews were conversational in style and the managers were informed that no identifiable attribution would be given to any statements. Each of the interviews lasted for 30-60 minutes, with opportunities for targeted follow-up conversations established. The interviews were designed to:

- Understand the current state of play of FNDC's current governance mechanisms associated with climate change;
- Identify the key climate-related issues for FNDC (with physical and transition issues);
- Gain insight into the key climate-related activities being carried out by Council; and
- Identify the key governance support that staff believe will help them to improve their ability to respond to climate-related issues.

2.3 Workshop with elected members

A workshop with elected members was carried out on 28th January 2022. The workshop presented the findings of the governance review and provided a platform for a conversation about climate-related issues.

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3 Findings of Governance Review

The findings of this review are aligned against 11 recommended disclosures from the TCFD which are tied to four key recommendations: 1). Governance, 2). Strategy, 3). Risk Management, and 4). Metrics and Targets. This section provides a summary of the 'lines of evidence' found in FNDC's documents and governance mechanisms that support these TCFD disclosures and then drills down into each of these four elements.

3.1 Evidence to Support TCFD Recommendations

Summary

The results of this review show that climate change is recognised by FNDC as a critical issue in Council's governance documents. The FNDC governance mechanisms provide over 100 'lines of evidence' to support the TCFD recommendations on disclosing climate risk (see Figure 2). FNDC has lines of evidence against all four elements of the TCFD recommendations, with a large proportion (33%, 34 lines of evidence) aligned to Governance, and specifically 'Council's oversight of climate-related risks and opportunities'. The results reveal that almost all lines of evidence for Council's oversight of climate-related risks and opportunities are captured in key documents, and very few are represented in governance mechanisms, such as Council and Committee Terms of Reference.

Regarding Strategy disclosures, the review shows that more attention has been focussed on describing climate-related risks and opportunities (16 lines of evidence). There is less detail on the impacts of these issues on Council's functions (6 lines of evidence) or understanding the resilience of Council's strategy under different climate scenarios (1 line of evidence).

Other prominent findings were from Risk Management, with six documents providing 20 lines of evidence to 'describe the organisation's process for identifying and assessing climate-related risks'. These findings suggest that there is more focus on the 'recognition' of risk in Council's current governance arrangement and less evidence on the process for managing climate-related risks or how these processes are integrated into Council's risk management.

FNDC's documents provide minimal information to support the TCFD's Metrics and Targets disclosures. There is only one line of evidence that identifies carbon footprint as a climate-related metric. The Carbon Inventory Report identifies 7 lines of evidence regarding the disclosure of greenhouse emissions. There are lines of evidence that describe Council's only target - to reduce greenhouse gas emissions. However, there are no details about how FNDC will track their progress against this target.

The review also found 42 FNDC documents with no evidence of climate change (see Appendix B for a full list of documents). Notable documents include the Council Terms of Reference, five Committee Terms of Reference, and the Risk Management Policy.

It is clear from this governance review that FNDC considers climate change to be a material risk and one that warrants attention.

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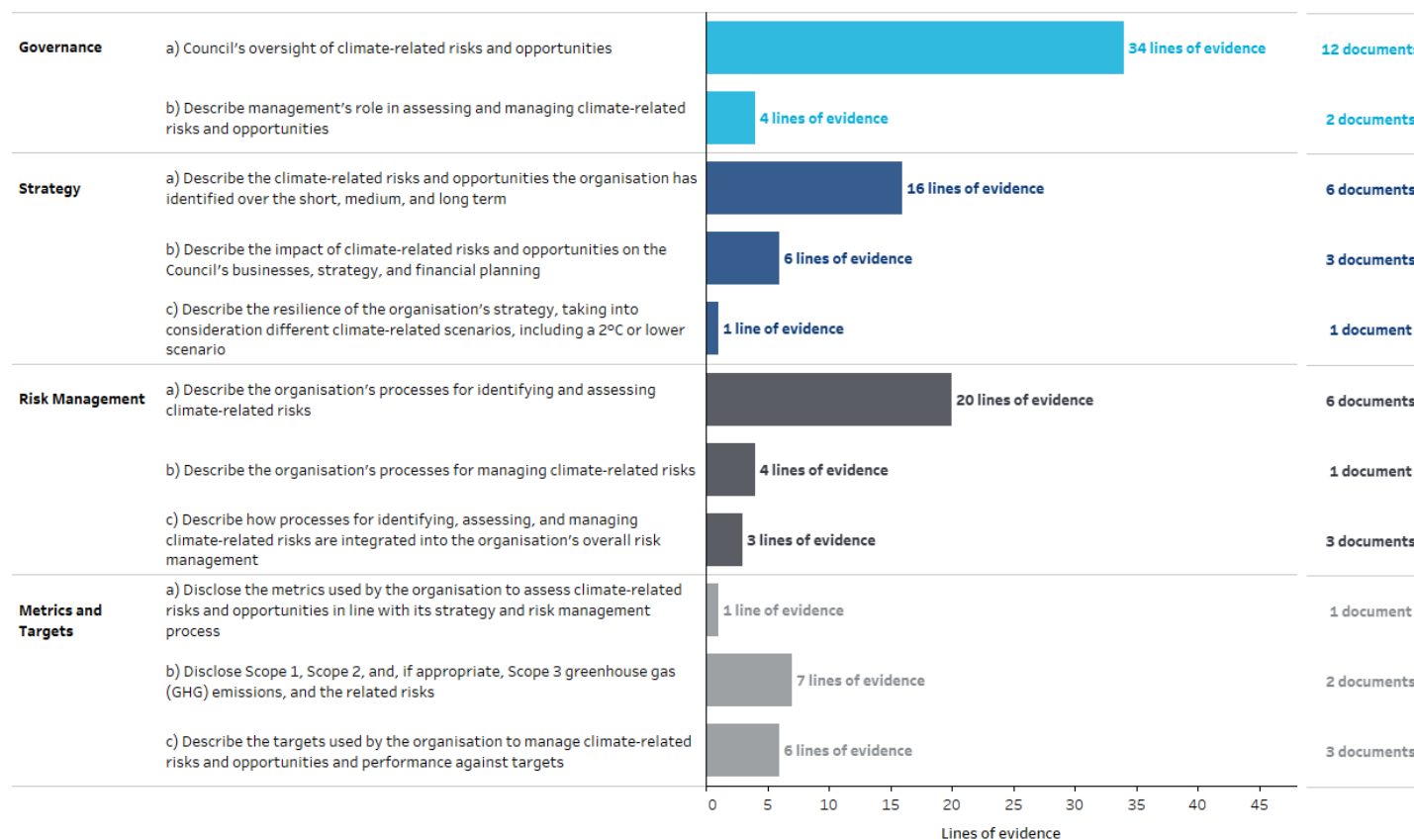


Figure 2: Lines of evidence identified in FNDC documents that align to each TCFD recommendation

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Lines of evidence for TCFD's governance disclosures

FNDC documents are focussed more on Council's oversight of climate related-issues and opportunities, compared to management's role in responding to the issue (see Table 2). Lines of evidence for Council's oversight were found in five mandatory documents (Tier 1), six non-mandatory documents (Tier 2) and one governance mechanism (Tier 3). However, oversight is only partially covered in these documents and mainly concentrates on the recognition that climate change is a risk that must be considered. A large proportion of this evidence originates from Council's Our Infrastructure Strategy (32%, 12 lines of evidence) however, this information primarily references other Council documents (i.e. Climate Change Roadmap) and summarises the role of the infrastructure strategy in managing the effects of climate change on infrastructure.

There is no structured oversight of climate-related issues in the Council Report Template for Agenda or Committee Terms of Reference, which are key oversight mechanisms for the organisation. The review also shows that FNDC's documents do not provide a clear direction about how Council wants to be informed about climate-related issues. There was also no formal inclusion of climate change in the Far North Holdings Limited Statement of Intent. Also, the Assurance, Risk and Finance Committee has not included evidence in its Terms of Reference regarding how it will oversee Far North Holdings' considerations or response to climate change. This means it will be difficult to have structured oversight and ensure alignment by FNH with FNDC's Long Term Plan.

The impacts of climate change are not explicitly captured in governance mechanisms and climate strategies have not been utilised. The review found only four lines of evidence that identify management's role in assessing and managing climate-related risk and opportunities. This originated from the 'Climate Change Risk Register Recommendations' report and the 'Joint Climate Change Adaptation Committee Terms of Reference'. However, there was no evidence to show that the roles of management and how management will be held to account for disclosing climate risk (e.g. internal reporting lines on climate change). Other than the 'Climate Change Risk Register Recommendations', no governance documents direct the roles and responsibilities for the management of climate change.

Table 2: Lines of evidence identified in FNDC documents for TCFD Governance recommendations

Document Name	a) Council's oversight	b) Management's role
Tier 1: Mandatory Documents		
Annual Report 2020-2021	1 line of evidence	
Long Term Plan 2021-2031	4 lines of evidence	
Our Financial Strategy 2021	2 lines of evidence	
Our Infrastructure Strategy 2021	12 lines of evidence	
Significance and Engagement Policy 2021	1 line of evidence	
Tier 2: Non-Mandatory Documents		
Climate Change Risk Register - Recommendations 2021	2 lines of evidence	3 lines of evidence
Climate Change Roadmap 2020	2 lines of evidence	
Far North 2100	3 lines of evidence	
Integrated Transport Strategy 2020	3 lines of evidence	
Monitoring Strategy 2008	2 lines of evidence	
Programme Darwin Update 2021	1 line of evidence	
Tier 3: Governance Mechanisms		
Joint Climate Change Adaptation Committee Terms of Reference 2020		1 line of evidence
Strategy and Policy Committee Terms of Reference 2019	1 line of evidence	

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Lines of evidence for TCFD's strategy disclosures

Council recognises climate change as one of their top organisational risks to the community through environmental impacts and transition challenges to Council. FNDC has three mandatory documents and five non-mandatory documents that provide information to support the TCFD's Strategy disclosures (see Table 3). In these key governance documents, there are 16 lines of evidence that describe the climate-related risks and opportunities that Council has identified. The Long Term Plan acknowledges climate change as a 'medium' financial risk, and the Operative District Plan includes climate change in the method for mapping coastal hazards. In the Climate Change Risk Register Recommendations, Council recognises climate change as one of their top organisational risks to the community through environmental impacts and transition challenges to Council. This confirms that FNDC recognise climate change as an issue that will affect Council's strategy, however, the extent of this is not clear.

The governance documents also provide minimal inclusion of the impacts of these risks and opportunities on Council's businesses, strategy, and financial planning. The Integrated Transport Strategy includes four lines of evidence to support the impacts, however, they are only general statements about the effects of climate change on the supply and cost of transport services. The lines of evidence show that early quantification of coastal hazards has been completed using Northland Regional Council climate hazards information, although this is currently not linked (or no evidence to show it is linked) to financial and asset management.

The review reveals that there is no discussion of other elements of climate risk (e.g. heat, flood, social, environmental) and no quantification of how climate change may affect service provisions, rateable income, operational costs, capital expenditure etc. Also, FNDC's governance documents do not provide any evidence to show that climate scenarios have been used to explore potential futures.

Table 3: Lines of evidence identified in FNDC documents for TCFD Strategy recommendations

Document	a) Describe risks and opportunities	b) Impact of risks and opportunities	c) Resilience of strategy under scenarios
Tier 1: Mandatory Documents			
Long Term Plan 2021-2031	2 lines of evidence		
Operative District Plan 2009	4 lines of evidence		
Our Infrastructure Strategy 2021		1 line of evidence	
Tier 2: Non-Mandatory Documents			
Carbon Inventory Report 2018-2019	1 line of evidence		
Climate Change Risk Register - Recommendations 2021	1 line of evidence		
Climate Change Roadmap 2020	4 lines of evidence		
Integrated Transport Strategy 2020	4 lines of evidence	4 lines of evidence	1 line of evidence
Waste Management and Minimisation Plan 2017-2023		1 line of evidence	

Lines of evidence for TCFD's risk management disclosures

FNDC's risk management documents provide a very good framing of climate-related risk. The primary driver of this is the 'Climate Change Risk Register Recommendations' which provides ten lines of evidence to support all three of the TCFD's Risk Management disclosures (see Table 4). In this document, Council recognises that risk management is one of the key pillars to managing climate change and has approved four climate change risk themes. Council also recommends that "at least annually there is a climate change group risk progress report which provides an overview to the Assurance, Risk and Finance Committee on the management and progress to treat the climate change risks."

Five other documents explain the processes by which Council has identified and assessed climate-related risks. However, this information is only general as it includes planning processes described in the Operative District Plan, risk exposure assessments performed as part of the Integrated Transport Strategy, and other legislative and policy requirements related to risk management.

Aside from the information provided in the 'Climate Change Risk Register Recommendations', there are no other documents that describe the process for managing climate-related risk. Also, there is limited evidence on how these processes are integrated into Council's overall risk management. For example, there is no explicit connection between the Climate Change Roadmap and the Operative District Plan explaining how climate risk should be managed.

Table 4: Lines of evidence identified in FNDC documents for TCFD Risk Management recommendations

Document Name	a) Process for identifying/ assessing risk	b) Process for managing risk	c) Integration into risk management
Tier 1: Mandatory Documents			
Operative District Plan 2009	7 lines of evidence		
Our Infrastructure Strategy 2021	1 line of evidence		1 line of evidence
Significance and Engagement Policy 2021	2 lines of evidence		
Tier 2: Non-Mandatory Documents			
Climate Change Risk Register - Recommendations 2021	5 lines of evidence	4 lines of evidence	1 line of evidence
Climate Change Roadmap 2020	1 line of evidence		
Integrated Transport Strategy 2020	4 lines of evidence		
Programme Darwin Update 2021			1 line of evidence

Lines of evidence for TCFD metrics & targets disclosures

FNDC's documents provide very little evidence to support the disclosure of metrics and targets for climate change. The Long-Term Plan discusses carbon footprint as a climate-related metric; however, this is the only document that provides metrics to assess climate-related risks (see Table 5). Also, there is no evidence to suggest Council intends to track metrics for either physical or transition climate-related risks. These findings highlight that Council has not clearly defined goals or KPIs in their governance documents or aligned these metrics to their climate ambition.

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The lines of evidence from the Carbon Inventory Report shows that FNDC has commenced carbon accounting. Council has reported their Scope 1, 2 and 3 emissions for the 2018-2019 reporting year. This is supported by the Climate Change Roadmap which explains that Council will be measuring emissions through an emissions inventory by using the financial year 2018/19 as their baseline. It should be noted that FNDC currently does not have a carbon strategy to align the disclosure of GHG emissions to their strategic decision-making.

The emissions reduction goal is vague and provides no additional details about how FNDC will track their progress against this target. When reviewing targets, both the Climate Change Roadmap and the Far North 2100 Strategy state Council's goal to reduce greenhouse gas emissions in-line with the Government's National emission reduction targets. The review did not find evidence of any other targets in Council's governance documents. However, this emissions reduction goal is vague and provides no additional details about how FNDC will track their progress against this target.

Table 5: Lines of evidence identified in FNDC documents for TCFD Metrics & Targets recommendations

Document Name	a) Metrics to assess risks and opportunities	b) Disclose GHG emissions	c) Targets to manage risks and opportunities
Tier 1: Mandatory Documents			
Long Term Plan 2021-2031	1 line of evidence		1 line of evidence
Tier 2: Non-Mandatory Documents			
Carbon Inventory Report 2018-2019		6 lines of evidence	
Climate Change Roadmap 2020		1 line of evidence	3 lines of evidence
Far North 2100			2 lines of evidence

3.2 Key Findings from Interviews with Management

The overarching findings (which represented approximately 90% of the views of those interviewed) include:

- Recognition by the participants that transition and physical climate-related issues are complex and already affecting FNDC and the community it supports.
- Management uncertainty about the full extent of climate-related issues (e.g. biodiversity, human health, levels of services, exposure to carbon pricing, etc.)
- Uncertainty about how to respond to the current and emerging issues in a climate policy vacuum (e.g. not knowing when/where priority should be given for specific actions).
- Uncertainty about which information sources and/or frameworks they should be drawing on for decision-making.
- Uncertainty from management about how deep and how fast Council wants to decarbonise (e.g. what interim targets should they aim for – and are they the same rate across all council functions, can they spend more money on assets if the carbon payback is fast, etc).
- Considerable support from the management team for the development of a climate policy.
- Concern from some of the management team that a policy alone will not address the issue, without some guidance and training of staff.

4 Climate Policy Insights

This section contains a summary of climate policy insights. The insights cover the benefits of a climate policy, challenges associated with policy implementation, and limitations of traditional policy approaches to responding to climate-related issues. These insights are based on the authors' breadth of climate-related work with over 130 local governments, combined with the review of governance mechanisms, and interviews with Council's management team. The climate policy insights also act as a primer for the climate policy recommendations (see Chapter 5).

Climate Policy Insight 1:

Benefits of a climate change policy

Avoiding ad hoc, reactive management of climate change issues

Climate change is a pressing issue for local government that is already manifesting as a legal, social, economic and environmental risk. Local governments make decisions that span generations (e.g. roll-out of infrastructure, planning for future settlements) and as such need to be actively assessing and responding to the direct and indirect risks that climate change presents. However, since climate change presents a range of direct and indirect challenges that are likely to manifest over time, it is ineffective to manage the issue in an ad hoc and reactive manner.

Providing a consistent lens for climate change adaptation

A climate change policy allows the organisation to place a climate change lens over all of Council's activities and use the existing system to drive adaptation. It can allow for the consistent application of standards, agreed use of information sources and specific triggers for change.

Stating Council's position rather than relying on personal viewpoints

Staff members in local government have a range of viewpoints regarding the existence of climate change. Adopting a formal policy places limitations on the extent to which personal viewpoints affect the professional judgments of people who may be sceptical about the need to focus on preparing for climate change.

Driving concerted action to effect change

A climate policy can also drive concerted action for management/staff members who may be complacent or unsure how to respond to climate change. There is evidence to suggest that the creation of a policy has helped other local governments to effect change (see Climate Policy Insight 2).

Providing the head of power for action

Specifically, a climate policy can provide the head of power and "guide rails" to help a local government to:

- Shape and publicly convey a climate change ambition
- Support long term financial planning, asset management, strategic planning, and other key Council decisions with consistent, timely and scientifically sound information related to climate change.
- Ensure that Council is well placed to benefit from economic development opportunities that may eventuate due to its proactive approach to managing climate-related issues.

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Climate Policy Insight 2:

A climate policy improves local government integration of climate change

Results from an assessment of 338 councils (Informed.City™ 2020) shows that there is a positive correlation between councils that have a climate change policy and those that have scored highly in a climate change governance assessment (see

Figure 3). All councils with 'Advanced' for climate change policy are in the 90th percentile for climate change governance (out of 338 councils).

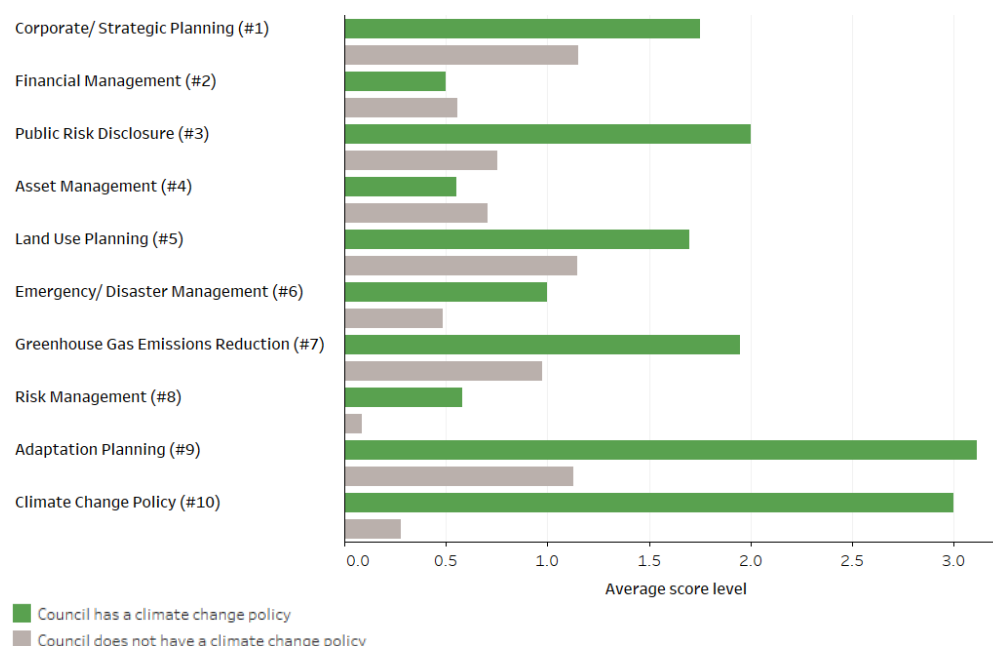


Figure 3: Average scores for climate change governance indicators climate change policy

The findings also show that local governments that have a climate change policy score higher for six of the nine governance indicators (excluding climate change policy). Interestingly the existence of a climate change policy did not correlate with financial or asset management. This may just be due to the fact these two areas consistently receive poor scoring in the assessment, or that policies may not effectively influence those council functions. The authors are unsure if a similar result would occur in NZ. Whatever the case FNDC may consider that it may need targeted adjustments to asset management and financial management policies and/or targeted training for those who work in those functions.

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Climate Policy Insight 3:

Climate policy development and implementation challenges

Six challenges to the development and implementation of climate policy are discussed below²:

Opening the climate change conversation: The climate change issue is complex and can result in challenging conversations with the community. This is especially so if a council decision constrains future property use or affects, or will be perceived to affect, its value. Other challenges that have been noted in Australia are climate-related decisions (or at times lack of decisions) which affect traditional owners. These issues at times delay or cease policy development, when in fact the policy itself should be designed to help local government navigate these sensitive issues. Many elected members do not understand the nuances of climate change and as such, it is imperative that elected members develop and maintain a good understanding of climate-related issues.

The expectation that higher levels of government will respond: At times climate-related policies have been amended, paused or ceased because elected members believe (or expect) other levels of government to manage the issue. This issue requires elected members and policy staff to clearly understand the shifting regulatory environment.

Poorly developed policies: Political sensitivities, poor background research, over-optimism, unclear *raison d'être*, or simple restrictions on the physical size of documents have affected the development of some well-intentioned policies. This can lead to poor policy implementation or less than desired policy outcomes.

Poor (or no) stakeholder engagement: There are examples of council climate-related policies resulting in significant community backlash. This usually occurs when engagement with the community has not been effective (e.g. engagement is tokenistic and/or constrains community input).

Poor or no implementation support: The authors of this report have experienced times in which key staff (including those tasked with managing climate-related issues) were unaware of the existence of a climate policy. Other examples include council staff who are confused by the wording or intent of the policy and failed to adhere to the policy directions. Implementation risk also may occur when the costs associated with implementation are not framed as an investment and are seen as a cost, with funding allocations withdrawn before the policy has had enough time to be fully implemented. These challenges usually occur when associated training and implementation guidelines are absent. Implementation support is a critical investment.

Climate Policy Insight 4:

A single, static, traditional policy approach has limitations

Climate-related issues are complex. This is because "Connections among socio-economic, environmental, and technological systems transmit risk from one system or sector to another, creating new risks or exacerbating existing ones" (Simpson et al. 2021, p.1). A climate change policy must be

² These examples are drawn from the author's direct involvement with local governments. Local governments have been deidentified for privacy purposes.

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designed in a way that responds (or enables the response) to the system's risk. It also must be designed in a way that captures a raft of current issues and is responsive to emerging issues.

A traditional policy approach, that takes up to 18 months to develop and is viable for several years, is at risk of being out of date before it is endorsed by Council. In the climate change milieu, much can change in a matter of weeks. An example of where transition risk moved faster than was anticipated can be seen in the FNDC Long Term Plan assumptions on a carbon price. The assumption used in the document was that the carbon price would remain relatively unchanged over the Long Term Plan lifetime, whereas in reality, the price has tripled in the past three years.

The climate policy for FNDC needs to be delivered in a rapidly moving environment – where decisions associated with or influenced by climate change will need to be made on an almost daily basis.

5 Climate Policy Recommendations

The development and implementation of a climate change policy require considered thought. These recommendations are based on the general findings from the governance review and insights from FNDC management.

Climate Policy Recommendation 1:

Council should address the climate policy vacuum as soon as possible

A climate change policy will greatly enhance FNDC's current response to the effects of climate change. It will act as a catalyst for improved climate-related oversight and governance.

It is evident that the current FNDC climate policy vacuum is affecting how the organisation plans for, and responds to, climate-related issues. While there are numerous references to climate change in the core governance documents it is evident that there is no structured approach that enables the elected members to maintain oversight of the issue. Additionally, there are very few lines of evidence that shows the roles and responsibilities of management associated with implementing the response to climate-related issues (see Chapter 3).

The existing approach to climate change leans heavily on Council's Climate Change Roadmap, Risk Management Framework and Operative District Plan. However, these three governance mechanisms on their own are insufficient to provide a robust platform for the oversight and integrated response to climate-related issues.

The Climate Change Roadmap will be most efficiently and effectively implemented if it is supported by a climate policy to enable clear oversight, direction and response (see Chapter 3). The policy vacuum was noted by a majority of the management team during the interviews (see Chapter 3).

Drawing from industry experience in other jurisdictions the authors notes that a climate policy of some form has overall, improved local government governance and management of climate issues. However, policy development and implementation are not without challenges (see Climate Policy Insight 3).

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There are numerous climate change policies in Australia that FNDC should explore. Notable ones include:

Douglas	Climate Change General Policy 2017
Longreach	Climate Change General Operations Policy 2020
Mackay	Climate Change Adaptation Policy 2018
Moreton Bay	Climate Change Policy 2020
Noosa	Climate Change Response Policy 2017
Whitsunday	Climate Change Adaptation Policy 2019
Capel	Climate Change Adaptation and Sustainability Policy 2018
Cottesloe	Climate Change Policy 2011
Greater Geraldton	Climate Change Policy 2018
Kwinana	Climate Change Policy 2013
Mosman Park	Climate Change Policy 2011
Mareeba	Climate Change Resilience Policy 2021
Logan	Climate Change Resilience Policy 2020
Kingborough	Climate Change Adaptation Policy 2021
Hobart	Climate Change Adaptation Policy 2020
Central Coast	Climate Change Policy and Strategy 2019

Climate Policy Recommendation 2:

As a minimum, a climate policy should include the following elements

Given the pervasiveness and dynamic attributes of the issue, a climate change policy (or suite of policies) will need to cover a broad range of council functions. As a minimum, the scope of any policy/ mechanism should cover the elements listed below (see Table 6).

Table 6: Elements that a climate policy should cover

Theme / Element	Comments
Objectives	Clearly state the climate-related objectives
Policy coverage	Include a definition of the scope. For example is it for the whole of council, specific functional areas, specific climate-related issues or all climate-related issues, if it is an overarching policy.
Guiding principles	Consider inclusion of guiding principles. For example: <ul style="list-style-type: none"> Where appropriate, goals should be measurable and evaluated on a regular basis Work cooperatively with other councils and Central Government and ensure that the respective roles and responsibilities are appropriate, and duplication is avoided Further examples of principles are located in the Central Coast Council climate policy.
Ambition (targets and goals)	The policy should contain Council's climate ambition (targets) statement. Ambition should cover net zero, scope of emissions, role in supporting community to achieve their goals, and ambition around physical, ecological and social resilience.
Governance mechanisms	State the key documents/committees that this policy will give head of power to. Provide direction on how the climate governance structure will weave into existing structure. The mandate may be immediate or stage relevant governance changes over time. The policy may provide the direction/head of power for climate change governance integration plan.
Physical risk information sources	Provide direction associated with trusted sources of information (e.g. minimum climate modelling inputs). It could be listed in the policy or provide head of power to technical

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Theme / Element	Comments
	guidance. Information here will also be linked to Council's policy. Delegation for updating the technical guidance could be provided in the policy.
Transition risk information sources	Provide direction associated with trusted sources of information. The policy may further define which transition risk will be explicitly considered (e.g. legal, insurance etc.). It could be listed in the policy or provide head of power to technical guidance. Information here will also be linked to Council's policy. Delegation for updating the technical guidance could be provided in the policy.
Methodologies	The policy should give reference to methodologies that will be used for analysing climate-related issues (e.g. science-based targets for cities methodologies , risk assessment protocols). It could be listed in the policy or provide head of power to technical guidance. Delegation for updating methodologies could be provided in the policy.
Adaptation	The policy may explicitly state the priority locations and/or functions for climate change adaptation or provide the prioritisation methodology. The policy could also delegate this to a climate change strategy or other relevant mechanism. The policy could also include its position (either council-wide or site specific) for adaptation action types (e.g. planned retreat, land acquisitions and purchasing).
Carbon	The policy may explicitly state the process for carbon reduction (e.g. no international offsets), function-specific carbon reduction targets. It may cover decisions associated with carbon reduction (e.g. fleet, electricity, renewable energy) or delegate this to a relevant carbon or climate change strategy.
Decision-making	The climate policy may establish when and how climate change is included in decision-making. For example, it may be location-specific, action-specific (e.g. sea wall decisions), and/or financial (over certain financial thresholds). Decision-making could also include considerations of current and future carbon prices (with the policy defining the minimum carbon price range). The policy may also direct explicit climate-related outputs be captured from analysis/decision-making (e.g. tonnes of carbon saved or generated from the decision).
Assurance	Policy can direct assurance requirements for specific elements (e.g. for carbon audits, risk assessment etc).
Engagement	The policy can state when (and how) community (or elements of the community and broader stakeholder groups) should be engaged.
Council functions	The policy should explicitly state which council functions will be delegated oversight and/or be tasked with implementation.
Strategy	The policy can direct which information will be considered during strategic reviews of key governance mechanisms (e.g. LTP, Infrastructure Strategy etc.).
Resourcing	The policy should give recognition where/how resourcing for activities can be obtained. This may include from general budget allocations, targeted levies, service charges, rate increases etc.
Regulation	The policy should list the main regulations that are relevant to this policy.
Roles and responsibilities	Roles and responsibilities must be clear – for elected members (Council), management, and staff. Responsibilities should also be assigned to functions.
Metrics	The policy should state what metrics FNDC will collate and monitor. It can define which metrics will be aggregated into broader Council metrics, and what mechanism will be used to track them (e.g. Project Darwin).
Internal reporting	The policy should state what information management should report on including how will this get collated, and what is the reporting process, frequency etc. It should also capture reporting requirements for FNH.
Disclosure	The policy should state the minimum or specific climate-related information that will be disclosed. This may include the nature of the disclosure, the baseline information, and how Council is tracking against targets.
Monitoring	The policy should state the monitoring method/s used, the delivery mechanism and the frequency of monitoring for each of the metrics.
When to review	The policy should stipulate how, and which thresholds, will be pre-determined to identify triggers for review/action.

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Climate Policy Recommendation 3:

Develop a climate policy implementation plan

If FNDC decides that it will implement a policy or suite of policies, it should also create a policy implementation plan. This is because several managers who were interviewed stated that they thought training and guidelines would be critical to ensure that the implementation of a climate policy is effective. The implementation plan could include targeted and/or all staff training, development of factsheets, links to key resources, presentations from sector experts, staff surveys, and community/stakeholder engagement.

Climate Policy Recommendation 4:

Staged climate policy

As is discussed above, a climate change policy should provide direction on several issues. The most significant challenge is associated with the time it takes to develop and implement the climate policy. There are numerous elements to consider in a climate-related policy and as such, it is prudent to consider separating into a suite of climate policies and focussing on the priority needs first (e.g. Carbon Policy and Adaptation Policy).

The author recommends that if a staged approach is carried out, any following climate-related policies be given head of power by a “climate change foundation policy” that then states in the first instance what policies should be created and in the interim what climate-related changes should be made to existing policies. For example:

- Climate change foundation policy
- Carbon reduction policy
- Climate change adaptation policy
- Financial management policy (amended to reflect climate change)
- Asset management policy (amended to reflect climate change)
- Risk management policy (amended to reflect climate change)

There are several other ways in which the above could be implemented:

- a) create a dynamic “live” policy - however, a new policy style such as a living policy may cause concern for elected members.
- b) create a living style policy within a traditional policy frame including delegation to one or a number of other mechanisms (e.g. Climate Change Roadmap) and or guidelines that may be less time consuming to update. This approach was implemented by the Central Coast Council in Tasmania, which had an interconnected climate change policy and strategy:

“Strategic Direction 1.1 - Council recognises the Strategy as a dynamic document that can be updated as new information or opportunities arise. Specific mitigation and adaptation responses to climate change should be directed via the Strategy.” [Central Coast Council Climate Change Strategy 2019](#), page. 3

The above approach by Central Coast Council has enabled them to amend the strategy in response to emerging issues.

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6 Non-Policy Governance Recommendations

The following recommendations are climate governance gaps that require attention, regardless of the outcome of the policy decision.

Non-Policy Recommendation 1:

Ensure Far North Holdings is adequately identifying and reporting on climate-related risks

This assessment found that there is no requirement or guidelines from FNDC for FNH to specifically manage or report on climate-related issues. Indirectly FNH would be required to consider climate change, as they must give regard to the Long Term Plan. However, the Long Term Plan does not contain enough directions to inform FNH on climate-related issues.

FNH has over \$100 million in assets and an annual operating revenue of over \$15 million. The nature of FNH's operations, namely in property development and asset management, mean that the transition and physical effects of climate change are likely to present a risk that, at the very least, requires assessment. FNH provides an income stream for FNDC, and without this income, it is estimated that general rates would be 4% higher. Any impacts on the ability of FNH to maintain the income stream will therefore also have a financial impact on FNDC (and the broader community).

To implement this recommendation, FNH's Statement of Intent should explicitly mention the management and reporting of climate-related issues. The implementation of this should be overseen by the relevant committee (currently the Assurance, Risk and Finance Committee). The Assurance, Risk and Finance Committee will require oversight direction/ guidance for its role in this recommendation.

A climate change policy can support the extent to which FNH would be required to quantify and report on climate-related issues. It could specify key climate-related issues that should occur in a Statement of Intent, as well as the mechanisms of FNH reporting, and relevant oversight requirements of the relevant committee.

Box 1. [Auckland Council Tauākī whakaaweawe āhuarangi Climate Impact Statement](#)

In Auckland, the Council Controlled Organisation (CCO) Oversight Committee ensures that reporting on climate-related issues is a regular occurrence, via climate impact statements. The quarterly performance reports are a key tool to monitor the progress of each CCO in action on climate change. The CCO's quarterly reports contain commentary on activities relating to climate change.

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Non-Policy Recommendation 2:**Quantify the potential exposure to climate-related risks**

Climate change risk assessments provide organisations with the critical information they need to understand the associated impacts. Risk assessments take many forms, although it is likely that most local governments in New Zealand would have followed or aligned to the ISO Risk Assessment Framework AS31000. The Ministry for the Environment (MfE) has recently developed a [Guide to local government climate change risk assessments](#) (MfE 2021). The scope of climate change risk assessments should incorporate both physical and transition risks and it is important to “quantify the value (in monetary terms, if possible) of the defined assets, taonga, environments and people exposed to the identified climate hazards” (MfE 2021, p.60).

Understanding specific risks is a complex task, and undertaking detailed risk assessments can be expensive, time-consuming and involve numerous experts and stakeholders. Because of these limitations, many local governments have opted for scoping or high-level risk assessments. Scoping risk assessments involve a smaller number of climate change scenarios and local governments are usually focussed on Council’s corporate risks (as opposed to also understanding environmental, social and economic risks).

A detailed climate change risk assessment of FNDC assets should include geospatial analysis which quantifies the units (e.g. length or number of assets) and the asset value and/or replacement costs. Other variables may include the number of properties in which the asset supports service delivery (e.g. potable water), and the rateable income collected from those areas at risk should the asset fail or reduce functionality. From the assessment, information can be utilised for key metrics, targets, financial planning and risk monitoring.

A climate change policy can help frame the minimum amount of information that should be included in a climate change risk assessment, who should carry out the risk assessment, the frequency of the assessments and how the results should be incorporated into decision-making. Climate change risk assessments should play an iterative role in numerous FNDC governance mechanisms. A climate policy could provide the framing for that iterative approach.

Box.2 [Quantifying Climate Change Risks. Kingborough Council, Tasmania](#)

An example of risk quantification can be seen in Kingborough Council’s review of natural hazards and climate change issues in Kingston Beach, (Kingborough Council - Tasmania). In this study nine risks were explored: bushfire; heatwave; tsunami; dam break; landslide; riverine flood; coastal inundation from sea level rise; storm surge and coincident flooding. Many specialists (including the authors of this report) and staff contributed information for this report’s findings. The core of the project focused on quantifying the exposure of the Kingston Beach assets (both structural and social) to the range of hazards identified. To undertake this task over 2,400 spatial outputs were generated (see Figure 4 below).

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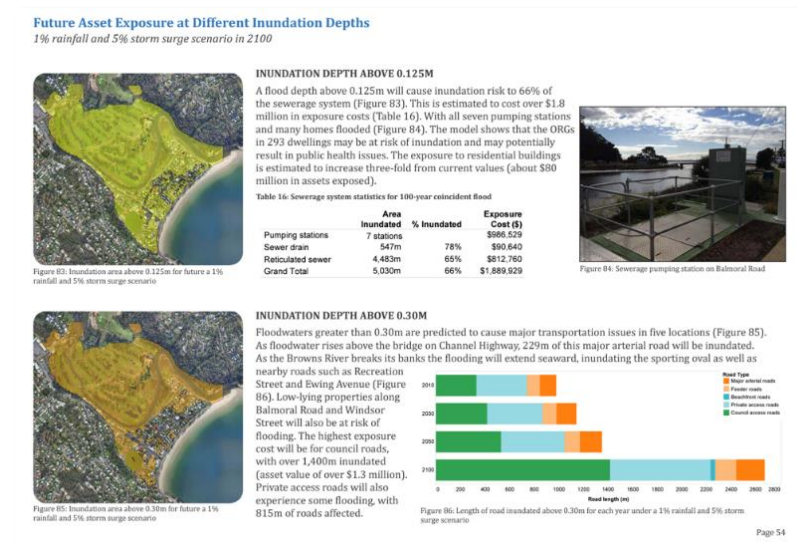


Figure 4: Kingston Beach asset exposure dashboard

Non-Policy Recommendation 3:

Improve the consideration of climate change within asset management plans

FNDC has hundreds of millions of dollars invested in its assets. Some of the assets that Council maintains, or are likely to install and maintain, have a long life expectancy and as such may be exposed to direct and indirect climate change risks. A failure of asset management consideration may generate a potentially unexplored or under-quantified financial risk for Council.

In FNDC's Our Infrastructure Strategy, Council suggests that it is unlikely that it will be affordable to provide the same levels of service that the community receive now in 30 years. This is due, in large, part to the implications of climate change. In the Strategy, Council discusses managing climate change in the next 30 years. It is stated that: "the infrastructure planning, and associated investment decisions, we make throughout the term of the Strategy will have a bearing on the resilience of our core infrastructure and the associated resilience of our communities towards the later part of this century" (FNDC 2021).

One of the goals of the FNDC Climate Change Roadmap is to future-proof its resources, assets, and services from the risks of climate change. The Roadmap also highlights the importance of operationalising the considerations of climate change into its asset management plans. This recommendation reinforces the intention of the Roadmap to integrate climate change into asset management by helping the strategic focus filter down to the operational level.

However, it is evident that Council has not carried out a detailed risk assessment (across all climate risks) of all FNDC assets. Nor is it evident that climate adaptation planning has been integrated into asset management plans. This finding was supported by Council staff.

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Council should make it a priority to fully integrated considerations of climate change into all of its asset management plans (AMP). Explicit consideration of climate change in AMPs will allow FNDC to save money through reduced maintenance costs, fewer stranded assets and improved asset performance.

Box 3. Example Council considering climate change in Asset Management Plans

Unley Council, South Australia, Asset Management Plans

All of Council's asset management plans provide a detailed inclusion of climate change including both direct and indirect impacts. Each plan identifies the impact of climate change on its assets, provides a summary of Council's demand management plan, and highlights how these decisions will influence the assets. In their plans, Council has also acknowledged the impact that climate change will have on the lifespan of their assets. They state:

The impact of climate change to infrastructure assets useful life is not yet quantified and may continue to change as increased temperature, heatwaves, higher storm and rainfall intensities will increasingly affect the useful life of infrastructure at a material level. These impacts have been identified in risk management and future demands. (City of Unley 2020)

Non-Policy Recommendation 4:

Improve FNDC's oversight of climate-related issues

Oversight is a means for holding the organisation accountable for its actions. The oversight by elected members should focus on ensuring FNDC implements responses to climate-related issues (from regulatory requirements, and community expectations) in accordance with Council's relevant governance mechanisms. Oversight can occur in numerous ways, such as:

- Establishing and monitoring relevant key performance indicators in as close to real-time as possible
- Understanding the relevant short, medium and long term climate-related issues
- Maintaining lines of inquiry for all (or key) decisions that may be affected by climate change
- Ensuring roles and responsibilities associated with climate change are clear
- Keeping abreast of regulations to understand the impacts of potential climate-related policy changes on the Long Term Plan
- Ensuring information is disclosed in a transparent and timely manner
- Ensuring resources allocated are commensurate with the issues
- Making informed decisions
- Empowering management to respond to climate-related risks

At present, the most formally structured oversight of FNDC's climate-related risks is via the risk management framework. In that framework, climate change is grouped into four risk categories and the risk is reported on every quarter. This level of oversight is relatively new for Council (October 2021) and is still in the early establishment phase (e.g. identifying suitable risk treatments and levels of information required for reporting).

Oversight of climate change risks could be improved by incorporation of considerations into Council reports, all council committees, staff and elected member training.

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Oversight can be significantly supported by a climate change policy, that provides the framework for informed decision-making.

Box 4. [City of Stonnington \(Victoria\) – Integration of Climate-related Issues via a Climate Emergency Action Plan](#)

The City of Stonnington is committed to acting immediately and urgently on the climate emergency and leading and inspiring local action. To do so they have created a Climate Emergency Action Plan. One of the numerous, targeted actions is the establishment of an internal Climate Oversight Committee with key decision-makers to support the integration of climate emergency response into Council decision-making. The City has a 2025 net-zero target for Council operations and their Plan aligns with and supports numerous Sustainable Development Goals (SDGs).

Non-Policy Recommendation 5:

[Carry out climate-related training for all staff](#)

The implementation of good governance of climate-related issues requires an adequately informed workforce.

Council should work closely with department heads and human resources to identify capability needs. Consider having a temporary increase in training allowances to help staff improve their understanding of how climate change may affect their department. Differing skillsets may be required, depending on the roles and responsibilities of the employee.

To implement this recommendation, FNDC should consider creating a skills-based survey to understand the knowledge gaps. Resourcing for ongoing training should be incorporated into financial planning.

It is important to note that elected members should also receive ongoing training on climate-related issues.

Box 5. [Climate Change Training for Staff, City of Greater Geelong \(Victoria, Australia\)](#)

The City of Greater Geelong developed climate change training for staff. The training is designed for those looking to understand climate change, learn how it might impact their work and prepare to adapt effectively. It is also for those who already understand climate change but now want to respond.

This training is for council staff and others working across council operations. Those who design, build and maintain council assets, who plan for future suburbs, protect Geelong's environmental assets, and deliver services to our community. The training package is tailored for City of Greater Geelong staff but can also be used by other organisations. Training workshops have been successfully held with our partner organisations including Barwon Water, VicRoads and coastal committees of management to assist them in building internal capacity and networks.

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Non-Policy Recommendation 6:

Improve the incorporation of climate change into financial planning

Climate change is increasingly being seen as a financial management issue. The cost of direct and indirect impacts will cascade through the economy and affect costs associated with a local government's activities and responsibilities. For example, increased extreme weather in Asia may disrupt global supply chains and affect the availability of certain goods and services for local governments, or increased litigation and/or increased extreme events may affect local government insurance costs (general insurance and liability cover).

Furthermore, responding to climate change requires an initial and ongoing outlay of resources and commitment of staff time. Resource constraints or lack of financial commitment from local governments are often identified as a primary barrier to implementing responses to climate-related issues.

To improve the consideration of climate change in financial management FNDC should:

- Ensure that risk assessments include financial quantifications of assets exposed to risk.
- Identify the climate change component in capital upgrades. This can be obtained from an AMP if they incorporate climate change into the plans (for example see [Bay of Plenty Draft Asset Management Plan](#)).
- Prioritise climate-related training needs for the financial team to ensure they are aware of current and emerging considerations of climate change in accounting practices and standards.
- Incorporate a range of carbon prices into long term modelling (align to climate scenarios).
- Update the Financial Management Policy to frame how climate-related issues are considered.

Non-Policy Recommendation 7:

Develop climate scenarios to support long-term strategic decision-making

Scenario planning is often used as part of identifying how climate change may affect an organisation. Scenario planning can be conducted using a range of different approaches, from using public climate scenarios to the development of a range of organisation-specific plausible futures. As noted by Nardia Haigh:

Scenario planning is the development of multiple scenarios about the future, and use of them to make decisions...scenarios are plausible hypothetical "what if" stories about what your organization's future might look like based on forces that could shape it. Scenarios are not projections, predictions, or forecasts, but are powerful narratives to help you anticipate and prepare for possible changes your organization might encounter in the future. (Haigh 2019, p.6)

For FNDC the development of climate change scenarios will help facilitate improved staff awareness of climate-related risks while enabling a critical exploration of some plausible futures that are unlikely to be captured in traditional risk assessments. It is recommended at the very least FNDC explore public climate scenarios such as those used by the [Climate Change Commission](#) to explore how Council may be affected by a range of climate-related futures.

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8 Appendices

Appendix A: FNDC documents with lines of evidence to support the TCFD recommendations

Tier	Document Name
Tier 1	Annual Report 2020-2021
	Long Term Plan 2021-2031
	Operative District Plan 2009
	Our Financial Strategy 2021
	Our Infrastructure Strategy 2021
	Significance and Engagement Policy 2021
Tier 2	Carbon Inventory Report 2018-2019
	Climate Change Risk Register - Recommendations 2021
	Climate Change Roadmap 2020
	Far North 2100
	Integrated Transport Strategy 2020
	Monitoring Strategy 2008
	Programme Darwin Update 2021
	Waste Management and Minimisation Plan 2017-2023
Tier 3	Joint Climate Change Adaptation Committee Terms of Reference 2020
	Strategy and Policy Committee Terms of Reference 2019

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Appendix B: FNDC documents with no evidence of climate change by tier

Tier	Document Name
Tier 1	Annual Plan 2020-2021
	Bledisloe Domain Management Plan 1996
	Coopers Beach Domain Management Plan 2014
	Dangerous, Insanitary and Earthquake-prone Buildings Policy 2014
	Development Contributions Policy 2015
	Far North Holdings Limited - Statement of Intent 2020-2023
	Hundertwasser Park Recreation Reserve Management Plan 2014
	Kerikeri Domain Reserve Management Plan 2019
	Kerikeri Sports Complex Management Plan 2011
	Lindvart Park Reserve Management Plan 2018
	Local Governance Statement 2019-2022
	Lucy Elizabeth Williams Scenic Reserve Management Plan 2014
	Manuwai Reserve Management Plan 2002
	Paihia Village Green Management Plan 2014
	Rating Relief Policies 2021-2031
	Reserves Policy 2017
	Revenue and Financing Policy 2021
	Simson Park Reserve Management Plan 1987
	Te Hiku Moerua Park Recreation Reserve Management Plan 2014
	Treasury, Liability and Investment Policies 2021
	Waipapa Sports Ground Reserve Management Plan 2013
	Walls Bay Reserve Management Plan 2014
Tier 2	Iwi/Hapū (Environmental) Management Plans Policy 2016
	Organisational Risk Framework 2019
	Policy and Engagement Project Management Framework - Overview V0.9 2021
	Policy development process - Guidelines 2021
	Risk Management Policy 2019
Tier 3	Sustainable Procurement Policy 2020
	Assurance, Risk and Finance Committee Terms of Reference 2019
	Bay of Islands-Whangaroa Community Board Terms of Reference 2021
	Community Board Working Party Terms of Reference 2020
	Council Report Template for Agenda
	Council Terms of Reference 2019
	Data Governance Subcommittee Terms of Reference 2019
	Hokianga Spraying Committee Terms of Reference 2021
	Infrastructure Committee Terms of Reference 2020
	Joint Regional Economic Development Committee Terms of Reference 2021
	Kaikohe-Hokianga Community Board Terms of Reference 2021
	Kaitiaki Drainage Area Committee Terms of Reference 2016
	Project Mandate Template
	Regulatory Compliance Committee Terms of Reference 2019
	Te Hiku Community Board Terms of Reference 2021

5.3 PARKING BYLAW - RECOMMENDATIONS FOR MAKING NEW BYLAW

File Number: A3641431

Author: Briar Macken, Team Leader - Policy

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To approve the adoption of the Parking Bylaw based on staff recommendations.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- On 20 May 2021, the Council agreed a new bylaw is appropriate to regulate parking in the Far North District.
- On 7 September 2021, the Strategy and Policy Committee approved a proposal for a new Parking Bylaw to be released for public consultation.
- Consultation took place between 13 September 2021 to 15 October 2021 with nine submissions received.
- Council staff have analysed the submissions and recommend changes to the draft bylaw in response to these submissions (see attachment 1 and 2).
- Attachments 3 to 8 are the proposed final new bylaw and schedules for adoption.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommend that Council:

- a) **approves, the recommendations in the staff report on submissions to the Parking Bylaw that:**
 - i) **No changes are made to clauses 1, 3, 11, 19, 21 and 22**
 - ii) **Clauses 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 20 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report *Analysis of Submissions – Parking* in attachment 1**
 - iii) **Schedule 1 is amended to extend the bus stop at the end of Kerikeri Road**
- b) **make the Parking Bylaw in attachments 3 to 8 under section 22AB of the Land Transport Act 1998.**
- c) **approve, to revoke the Parking and Traffic Control Bylaw on the same day the Parking Bylaw comes into force.**

1) TĀHUHU KŌRERO / BACKGROUND

On 20 May 2021, the Council resolved that a new bylaw is appropriate to regulate parking in the Far North District (Resolution 2021/20 refers).

On 7 September 2021 the Strategy and Policy Committee approved a proposal for a new Parking Bylaw (Bylaw) to be released for public consultation.

The period during which people could make submissions on the proposal was 13 September to 15 October 2021. Nine submissions were received.

Two submitters asked to be heard and made verbal submissions to the Strategy and Policy Committee 26 October 2021.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The report in attachment 1 summarises the public submissions and makes recommended changes to the draft bylaw in response to these submissions. For clarity, all the recommended changes to the

draft proposed Bylaw are shown in attachment 2. If these recommendations are agreed to, Council staff advise that the Parking Bylaw in attachments 3 to 8 is an appropriate form of bylaw for the purposes of section 22AB of the Land Transport Act 1998.

Timing for making the bylaw

Pursuant to 160A of the Local Government Act 2002 Council's current Parking and Traffic Control Bylaw will revoke on 17 June 2022 as it was not reviewed by the date required under that Act. If the recommendations in this report are agreed to, the new Parking Bylaw will be made before the current bylaw is revoked, ensuring ongoing regulation of parking.

Changes from the current bylaw to the new bylaw

The new bylaw continues existing restrictions and controls [as in the Parking and Traffic Control Bylaw] relating to the regulation of parking.

Council staff have addressed the appropriateness of the form and content of the new bylaw by:

- ensuring provisions are consistent with the applicable empowering provisions in legislation
- improving clarity by ensuring schedules are accurately referred to in the main body of the bylaw
- simplifying the language in line with modern legal drafting principles with some terminology updated
- ensuring the parking restrictions in the schedules align with actual demarcations on-site









Take Tūtohunga / Reason for the recommendation

The Parking Bylaw in attachments 3 to 8 can be made, pursuant to section 22AB of the Land Transport Act 1998, following the changes recommended in the report in attachment 1, as it is an appropriate form of bylaw.

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

The costs to implement the new bylaw will come from existing operational budgets.

ĀPITIHINGA / ATTACHMENTS

1. Analysis of submissions and recommendations - Parking Bylaw - A3678639 [↓](#) 
2. Draft Proposed Parking Bylaw showing all tracked changes - No schedules - A3678642 [↓](#) 
3. Final Parking Bylaw - A3678643 [↓](#) 
4. Final Parking Bylaw Schedule 1 - A3678649 [↓](#) 
5. Final Parking Bylaw Schedule 2 - A3678650 [↓](#) 
6. Final Parking Bylaw Schedule 3 - A3678651 [↓](#) 
7. Final Parking Bylaw Schedule 4 - A3678652 [↓](#) 
8. Final Parking Bylaw Schedule 5 Maps - A3678653 [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	In line with the Significance and Engagement Policy the recommendation to make a new bylaw which continues the existing regulation of parking, will have little effect on financial thresholds, ratepayers, specific demographics, or levels of service. The recommendation is consistent with existing plans and policies. Therefore, the level of significance is low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Local Government Act 2002 sections 82 and 160, and Land Transport Act 1998 section 22AB apply to the decision recommended in this report.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	As the bylaw regulates parking across all of the wards of the District the proposal has District-wide relevance and is not within the delegations of Community Boards to consider.
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.	This decision in this report is not significant and does not relate to land or any body of water. The implications for Māori from the regulation of parking are similar to the impacts on communities generally. The new bylaw will have the same effect as the current bylaw. Māori had an opportunity to contribute during the consultation process.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Affected and interested parties were given an opportunity to share their views and preferences during the consultation phase including: <ul style="list-style-type: none"> • Ministry of Transport • Local business groups • Residents of the Far North District

State the financial implications and where budgetary provisions have been made to support this decision.	The cost of continuing the provisions of the existing bylaw in a new bylaw is covered by current operational budgets.
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer.



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Analysis of submissions

Parking Bylaw

1 Background

On 20 May 2021, the Council agreed a new bylaw, made under the Land Transport Act 1998, is appropriate to regulate parking in the Far North District. On 07 September 2021 the Strategy and Policy Committee approved a proposal for a new Parking Bylaw (Bylaw) to be released for public consultation. The period during which people could make submissions on the proposal was 13 September to 15 October 2021. Nine submissions were received.

This report analyses the submissions and makes recommendations for amendments to the draft Bylaw. A numbered list of people who made submissions is in the Appendix and these numbers are used to refer to the individual submissions in the body of this report.

Council staff from the following teams contributed to the analysis of the submissions:

- Strategy Development
- Infrastructure Planning
- Legal Services

Northland Transportation Alliance, the Council's Regional Alliance partner, also provided advice on technical issues raised in the submissions.

2 Summary of submissions

Nine submissions were received, with seven of these received online using a submissions form that asked people to say if they support the proposed Parking Bylaw "in full", "in part" or "no" the draft Bylaw. Of the seven online submissions:

- two supported the Bylaw in full
- four supported the Bylaw in part
- one did not support the Bylaw.

Where the submissions opposed a Part and made suggestions for changes, those suggestions are included in the analysis in section 4 of this report.

Two written submissions were received that did not use the online form. They were generally supportive of the draft bylaw but suggested some changes to Parts which are included in the analysis in section 4 of this report.

Both submitters who made written submission asked to submit verbally to the Strategy and Policy Committee and were heard by the Committee on 26 October 2021.

3 General feedback

The following feedback was received that is not related to a specific clause in the draft bylaw.

Keep the existing Bylaw

Submission 1 was the only submission that did not support the proposed Parking Bylaw, saying *'Keep or liberalise the existing by law...businesses are suffering and ticketing valued customers simply helps destroy what fabric of trade remains....whilst increasing available parking spaces as revenue permits.'*

Staff analysis

The current Parking and Traffic Control Bylaw will automatically revoke on 17 June 2022. Council is not able to stop the bylaw from being revoked. The provisions in the current bylaw are similar to the proposed Parking Bylaw. Amendments have been proposed to improve certainty.

How parking should be regulated in commercial areas is a component of the planned development of the Parking Policy, Strategic Implementation Plan and Area Parking Management Plans.

Staff recommendation

Council staff recommend no changes in response to this submission.

Parking should consider all areas

Submission 5 states *"Parking should consider all areas including residential streets to make parking safe eg. the corner of Mission Road and Landing Road, where the Parrot Place is. Parking is radical and out of control. There will be more accident there butyl (sic) the safety is fixed."*

Staff analysis

The proposed Bylaw covers all classifications of roads, including residential, that are within the powers of Council to regulate. The site mentioned in the example does not feature broken yellow lines denoting prohibited parking but is still subject to the prohibition of parking within 6 metres of an intersection as set out in the Land Transport (Road User) Rule 2004 Part 6 clause 6.3(2). Only in exceptional circumstances would council need to reinforce this rule by the placing of supplementary road markings. Staff have delegated authority to implement supplementary road markings for rules covered by the Land Transport Rule 2004.

A site visit revealed no cars parked near the intersection of Mission Road and Landing Road in Kerikeri. A search of the Crash Analysis System (CAS) data indicated there have been no crashes at this intersection over the past ten years. At this time, there is no extraordinary evidence which indicates that supplementary signing and marking the existing 6 metre parking prohibition is warranted.

Staff recommendation

Council staff recommend no changes in response to this submission.

Double parking and parking on grass berms

Submission 9 states that *'Some roads in the district have been constructed with parking spaces adjacent to the roadway, for example Ranui Avenue. Where such a situation exists, then the roadway alongside these areas should be designated as a non-parking area. Also omitted is any regulation re parking on grassed berms.'*

Staff analysis

The issue the submitter is referring to is considered double parking. Double parking prohibition is set out in the Land Transport (Road User) Rule 2004 Part 6 clause 6.11. There is no requirement in respect of supplementary traffic signs and road markings. Additionally, the placing of broken yellow line markings alongside such parking bays may be confusing for road users.

The proposed Bylaw contains sufficient provisions for enforcement of Bylaw offences with powers extending to aspects of the Road User Rule such as double parking.

Parking on grassed berms is not specifically referenced in the Bylaw as it is adequately covered under clause 6.2 of Part 6 of the Land Transport (Road User) Rule 2004.

Staff recommendation

Council staff recommend no changes in response to this submission.

4 Analysis and recommendations regarding the bylaw wording

The following section analyses the submissions made about clauses in the draft bylaw and recommends how to address these submissions in the bylaw. This section also analyses staff recommendations for drafting clarification.

4.1 Staff recommendations for drafting clarifications and amendments

Legal advice was received suggesting a number of amendments to clarify the meaning of several clauses. Staff also identified typographical errors. These amendments and corrections are addressed in this subsection.

Clause 2 Related information boxes

Council staff recommend a minor change to clause 2 (c), to clarify how the related information boxes may be amended.

Staff recommendations

Clause 2 (c) be amended by inserting the words “by Council” after the word “removed”.

Tracked changes to the clause as recommended to be amended

Boxes headed “Related information” in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed by Council without any formality.

Clause 4 Application

Council staff recommend a minor change to clause 4, to clarify the area in which the Bylaw applies.

Staff recommendations

Clause 4 be amended by replacing the words “the district” with the words “roads within the Far North District that are under the control” after the words “This bylaw applies to”.

Tracked changes to the clause as recommended to be amended

4 Application

This bylaw applies to roads within the Far North District that are under the control ~~the district~~ of the Far North District Council.

Clause 5 Purpose

Council staff recommend a minor change to clause 5, to clarify that some of the Bylaw provisions may only apply to a certain class of vehicle.

Staff recommendations

Clause 5 (b) be amended by replacing the word “any” with the word “a” before the words “specified class” and removing the words “, or specifying only vehicles of a certain class are permitted to use any parking place”

Tracked changes to the clause as recommended to be amended

5 Purpose

The purpose of this bylaw is to restrict or prohibit parking on roads and prescribe conditions for the use of parking places by:

- (a) limiting the period of time that vehicles may park on any part of the road;
- (b) limiting the parking of vehicles on some roads to vehicles of ~~any~~ specified class or description, ~~or specifying only vehicles of a certain class are permitted to use any parking place:~~
- (c) regulating any parking-related matters including (but not limited to) charges for the use of parking places, enhancing or promoting road safety and providing protection for the environment.

Clause 6 Interpretation

Council staff recommend a minor change to clause 6 by removing a related information box to improve clarity.

Staff recommendations

Clause 6 be amended by removing the related information box after the definition of council.

Tracked changes to the clause as recommended to be amended

council means means the governing body of the Far North District Council, or any person delegated to act on its behalf.

Related information

The following delegations have been made for this bylaw:

~~(list title/s of person/s receiving delegation and date delegation was made to come).~~

Clause 7 Places where parking is prohibited

Council staff recommend a minor change to clause 7 to improve clarity regarding places where parking is prohibited.

Staff recommendations

Clause 7 (1) be amended by replacing the words “that are” with the words “. These roads or parts of roads will be” after the words “Schedule 1”. Amend clause 7 (2) and (3) to include the words “the restriction in” before the words “subclause (1)”.

*Tracked changes to the clause as recommended to be amended***7 Places where parking is prohibited**

- (1) A person is prohibited from stopping, standing, or parking a vehicle on roads or parts of roads listed in Schedule 1. ~~These roads or parts of roads will be that are~~ marked with broken yellow lines parallel to, and at a distance of not more than one metre from, the edge of the roadway.
- (2) Where Schedule 1 specifies a class or description of vehicle, the restriction in subclause (1) only applies to vehicles of that class or description.
- (3) Where Schedule 1 restricts parking to specified dates or times, the restriction in subclause (1) only applies during those specified dates times.

Clause 8 Places where parking is restricted to certain types of vehicles

Council staff recommend a minor change to:

- clause 8 (1) – (8) to improve clarity regarding places where parking will be restricted.
- clause 8 (5) related information box to remove the reference to a generic company brand. Ride sharing has been sufficiently explained
- clause 8 (9) to improve clarity regarding the displaying of Council issued labels
- clause 8 (1) – (9) be amended to correct a typographical error in the numbering of subclauses.

Staff recommendations

Clause 8 (1) – (8) be amended to replace the word “that” with the words “. These roads or parts of roads will” after the words “Schedule 2”.

The related information box in Clause 8 (5) be amended by removing the words ‘such as uber’ after the words “Ride sharing services”.

Clause 8 (8) be amended by moving the word “erected” to after the word “signs”.

Clause 8 (9) be amended by:

- moving the words “unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there.” To after the words “Schedule 2”
- replacing the word “that” after the words “Schedule 2” with the words “These roads or parts of roads will”
- inserting the words “displaying a label from Council showing approval for the vehicle to stop, stand or park there” after the words “a person”.

The numbering of clause 8 (1) – (9) be amended to correct a typographical error.

Tracked changes to the clause as recommended to be amended

- (1) A person is prohibited from stopping, standing or parking a vehicle, other than a goods vehicle, on the roads, or parts of roads listed in Part A of Schedule 2. ~~These roads or parts of roads will that~~ have loading zone signs erected. If Part A of Schedule 2 specifies a time period, a person may only stop, stand, or park a goods vehicle for that specified period.
- (23) A person is prohibited from stopping, standing or parking a vehicle, other than a vehicle displaying an approved disabled person's parking permit, on the roads, or parts of roads listed in Part B of Schedule 2. ~~These roads or parts of roads will that~~ have signs erected with the disabled symbol on them. If Part B of Schedule 2 specifies a time period, a person may only stop, stand, or park the vehicle displaying an approved disabled person's parking permit for that specified period.
- (34) A person is prohibited from stopping, standing or parking a vehicle, other than a passenger service vehicle, on the roads, or parts of roads listed in Part C of Schedule 2. ~~These roads or parts of roads will that~~ have bus stop signs erected. If Part C specifies a time period, a person may only stop, stand, or park a passenger service vehicle for that specified time period.
- (45) A person is prohibited from stopping, standing or parking a vehicle, other than a small passenger service vehicle, on the roads, or parts of roads listed in Part D of Schedule 2. ~~These roads or parts of roads will that~~ have Taxi or Small PSV signs erected. If Part D of Schedule 2 specifies a time period, a person may only stop, stand, or park a small passenger service vehicle for that specified time period.

Related information

These places may also be marked on the roadway with broken yellow lines. Ride sharing services, ~~such as Uber~~, are small passenger service vehicles and can park on places with "Taxi" signs.

- (56) A person is prohibited from stopping, standing or parking a vehicle, other than an emergency vehicle, on the roads, or parts of roads listed in Part E of Schedule 2. ~~These roads or parts of roads will that~~ have Emergency Vehicles signs erected.
- (67) A person is prohibited from stopping, standing or parking a vehicle, other than a boat trailer, on the roads, or parts of roads listed in Part F of Schedule 2. ~~These roads or parts of roads will that~~ have Boat trailer signs erected. In this subclause "boat trailer" means a vehicle:
- (a) designed and constructed for the carriage of a boat; and
 - (b) without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable.
- (78) A person is prohibited from stopping, standing or parking a vehicle, other than an electric vehicle, on the roads, or parts of roads listed in Part G of Schedule 2. ~~These roads or parts of roads will that~~ have signs ~~erected~~ with the electric vehicle charging symbol ~~erected~~.
- (89) A person is prohibited from stopping, standing or parking a vehicle on the roads, or parts of roads listed in Part H of Schedule 2 ~~unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. These roads or parts of roads will that~~ have Authorised Vehicle signs erected ~~unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there.~~ If Part H of Schedule 2 specifies a time period, a person ~~displaying a label from Council showing approval for the vehicle to stop, stand or park there~~ may only stop, stand, or park a vehicle for that specified time period.

Clauses 9 and 10 Time restricted parking

Council staff recommend a minor change to clause 9 and 10 to improve clarity regarding places where parking is time restricted.

Staff recommendations

Clause 9 and 10 be amended by removing the words "with a P sign erected" after the words "Schedule 3".

*Tracked changes to the clause as recommended to be amended***9 Short-stay parking restrictions (P5 – P30)**

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part A of Schedule 3 ~~with a P-sign erected~~ for more than the time period specified in the Schedule for that road, or part.

10 Long-stay parking restrictions (more than P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part B of Schedule 3 ~~with a P-sign erected~~ for more than the time period specified in the Schedule for that road, or part.

Clause 12 Use of parking places

Council staff recommend a minor change to clause 12 (f) to improve clarity regarding places where specified classes of vehicles may park.

Staff recommendations

Clause 12 (f) be amended by replacing the words “except for vehicles” after the words “they are stopping, standing or parking a vehicle”.

Tracked changes to the clause as recommended to be amended

(f) A person must not stop, stand or park a vehicle, in the parking spaces that have signs stating that only a specified class of vehicle is entitled to use that space, ~~except for vehicles~~ unless they are stopping, standing or parking a vehicle of the class specified on the sign. If the sign specifies a time period, a person may only stop, stand, or park the vehicle for that specified period:

Clause 13 Approval to use authorised vehicle parking spaces

Council staff recommend a minor change to clause 13 (1) to improve clarity regarding when a person needs an authorised vehicle label.

Staff recommendations

Clause 13 (1) be amended by replacing the word “under” with the words “to enable them to stop, stand or park a vehicle on a road or part of a road restricted by”.

Tracked changes to the clause as recommended to be amended

- (1) A person who requires an authorised vehicle label ~~under to enable them to stop, stand or park a vehicle on a road or part of a road restricted by~~ clause 8(9) or clause 12(c) (“**the applicant**”) must apply to the council for an approval and the application must be:
- (a) in the form required by the council; and
 - (b) accompanied by the applicable fee set in the council’s Fees and Charges Policy.

Clause 14 Conditions on approval

Council staff recommend removing clause 14 (1) as it may be considered *ultra vires*. Staff recommend a minor change to clause 14 (2) to improve clarity regarding the conditions for approvals.

Staff recommendations

Clause 14 (1) be removed. Clause 14 (2) be amended by replacing the words “other conditions” with the words “the following conditions” and replacing the words “for the following matters” with the words “granted by Council”. A space be inserted between the words “safety” and “or” to amend a typographical error.

Tracked changes to the clause as recommended to be amended

- ~~(1) All approvals granted under clause 13 include a condition that enables the council to carry out inspections to ensure the approval and its conditions are being complied with.~~
- (21) The council may include the ~~other conditions~~ following conditions on any approval ~~for the following matters granted by Council:~~

Clause 15 Amendment of approval

Council staff recommend a minor change to clause 15 to improve certainty by including the required payment of the applicable fee.

Staff recommendations

Clause 15 be amended by inserting the words “including the payment of the applicable fee” after the words “application for an approval,”.

*Tracked changes to the clause as recommended to be amended***15 Amendment of approval**

A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval, including the payment of the applicable fee with any necessary modifications.

Clause 16 Suspending or cancelling approval

Council staff recommend a minor change to clause 16 (3) and (4) to improve clarity regarding enforcement of approvals.

Staff recommendations

Clause 16 (3) be amended by replacing the words “were the reasons for” with the words “may have contributed to”. Clause 16 (4) be amended by inserting “and 1(c)” after the words “subclause (1)(b)”.

Tracked changes to the clause as recommended to be amended

- (3) Suspending or cancelling an approval does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for the acts or omissions that ~~were the reasons for~~ may have contributed to the suspension or cancellation.
- (4) Except where the approval is cancelled under subclause (1)(b) and 1(c), the person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.

Clause 17 Removal of vehicles in breach of a bylaw

Council staff recommend a minor change to clause 17 (2) to clarify that Council may recover the cost of vehicle removal regardless of where the vehicle was parked at the time the offence occurred.

Clause 17 states:

- (1) Where any vehicle is parked on any road or part of a road or parking place in breach of this bylaw, the council may remove the vehicle.
- (2) Where a vehicle is removed under subclause (1) from a parking place, the council may recover from the person who committed the breach of this bylaw the reasonable costs of the removal.

Staff recommendations

Clause 17 (2) be amended by removing the words “from a parking place” after the words “subclause (1)”.

*Tracked changes to the clause as recommended to be amended***17 Removal of vehicles in breach of bylaw**

- (1) Where any vehicle is parked on any road or part of a road or parking place in breach of this bylaw, the council may remove the vehicle.
- (2) Where a vehicle is removed under subclause (1) ~~from a parking place~~, the council may recover from the person who committed the breach of this bylaw the reasonable costs of the removal.

Clause 18 Offences under transport legislation

Council staff recommend simplifying clause 18 to improve clarity and certainty.

Staff recommendations

Clause 18 be replaced with the words “Any person who fails to comply with any control, restriction, limitation or prohibition prescribed by this Bylaw commits an offence under the Act and is liable to the penalties set out in the Act.”

Tracked changes to the clause as recommended to be amended

- ~~(1) Any person who fails to comply with any control, restriction, limitation or prohibition prescribed by this Bylaw commits an offence under the Act and is liable to the penalties set out in the Act.~~
- ~~(1) Parking in any portion of a road in breach of this bylaw is a stationary vehicle offence under the Land Transport Act 1998. Under section 133A of the Land Transport Act 1998 proceedings for a stationary vehicle offence may be taken against 1 or more of the following persons—~~
- ~~(a) the person who allegedly committed the offence;~~
 - ~~(b) the person who, at the time of the alleged offence,—~~
 - ~~(i) was registered as the owner, or one of the owners, of the vehicle involved in the offence in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; or~~
 - ~~(ii) was the registered person in respect of the vehicle under Part 17 of this Act;~~
 - ~~(c) the person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence (whether or not jointly with any other person);~~
- ~~(2) Under section 139(6) of the Land Transport Act 1998 a parking warden may issue an infringement notice for a stationary vehicle offence or prosecute the offence under the Criminal Procedure Act 2011.~~

Related information

The penalties for stationary vehicle offences are prescribed in the Land Transport (Offences and Penalties) Regulations 1999. A person may either be issued with an infringement notice for a fee of up to \$150, or may be prosecuted and, if convicted, fined up to \$1000.

Clause 20 Applications, approvals etc under revoked bylaw

Council staff recommend a minor change to clause 20 (b) to improve clarity.

Staff recommendations

Clause 20 be amended by replacing the words “cannot be renewed under this bylaw, a new approval must be applied for under this bylaw” with the words “granted under revoked bylaws, cannot be renewed under this bylaw, and must be treated as a new application.”

Tracked changes to the clause as recommended to be amended

- ~~(b) any approval, permit or authorisation cannot be renewed under this bylaw, a new approval must be applied for under this bylaw~~ granted under revoked bylaws, cannot be renewed under this bylaw, and must be treated as a new application.

Clause 21 Roads that have parking restrictions, limits or prohibitions

Council staff recommend a minor change to clause 21 (5) to improve clarity.

Staff recommendations

Clause 20 be amended by removing the words “The parking restrictions are marked or have a sign erected on the kerb of the road that corresponds with the co-ordinates.”

Tracked changes to the clause as recommended to be amended

- ~~(5) The co-ordinates in the Schedules are measured at the centreline of the road. The parking restrictions are marked or have a sign erected on the kerb of the road that corresponds with the co-ordinates.~~

4.2 Clauses not referred to in submissions

No submissions were made about the following clauses or schedules in the draft bylaw:

- 1 Title
- 2 Related information boxes
- 3 Commencement
- 4 Application
- 5 Purpose
- 6 Interpretation
- 7 Places where parking is prohibited for all vehicles

Part 4: Parking places

- 12 Use of parking places

Part 5: Approvals

- 13 Approval to use parking space
- 14 Conditions on approval
- 15 Amendment of approval
- 16 Suspending or cancelling approval

Part 6: Enforcement, offences and penalties

- 17 Removal of vehicles in breach of bylaw
- 18 Offences under transport legislation

Part 7: Savings and transitional provisions

- 19 Parking and Traffic Control Bylaw revoked in part
- 20 Applications, approvals etc under revoked bylaw

Schedules

- 21 Roads that have parking restrictions, limits or prohibitions
 - (2) Schedule 2 Vehicle restrictions
 - (a) Part A Goods vehicles
 - (b) Part B Disabled persons
 - (d) Part D small passenger service vehicles
 - (e) Part E Emergency vehicles
 - (g) Part G Electric vehicles
 - (3) Schedule 3 Time limits
 - (a) Part A Time period between 5 minutes and 30 minutes
 - (c) Part C Days of year and time of day
 - (4) Schedule 4 Parking places
 - (5) Schedule 5 Maps (not forming part of the Parking Bylaw)
- 22 Amendments to Schedules

4.4 Submissions on clauses in the draft bylaw

Clause 8 Places where parking is restricted to certain types of vehicles

Clause 8 restricts stopping, standing or parking to certain types of vehicles on those roads or parts of roads listed in Parts A to H of Schedule 2. Subclause (8) prohibits vehicles that are not an electric vehicle from stopping in a parking place specifically designated for charging electric vehicles.

Submission received

Submission 2 believes that Council should not be involved in influencing what type of vehicle a person can use, whether electric, internal combustion, cycle, etc.

Staff analysis

Council has adopted a climate change roadmap that includes a goal to work with the community to reduce its carbon emissions in line with the Climate Change Response (Zero Carbon) Amendment Act 2019. This Act sets a target to reduce emissions of greenhouse gases (except biogenic methane) to net zero by 2050. Part of this activity must focus on reducing road transport emissions, which are the second largest source of carbon emissions in New Zealand. This includes supporting the uptake of electric vehicles and other low-emission forms of transport, such as hydrogen powered vehicles.

The proposed Bylaw provides parking exemptions for electric vehicles at locations adjacent to vehicle charging facilities. There is currently only one listed parking exemptions for electric vehicles in schedule 2. The provision for electric vehicles may present a limited degree of bias and influence of vehicle type as it does not take into consideration potential future alternative motive power vehicles e.g., hydrogen powered vehicles.

Technological advances will eventually increase the range of alternative vehicles and roadside charging facilities may no longer be required. In the meantime, it is accepted that existing vehicle stock will continue to require charging facilities. Future reviews of the Bylaw will align with technological advances.

Staff recommendation

Council staff recommend no changes in response to this submission.

Part 3: Time restricted parking

Clauses 9, 10 and 11 limit the stopping, standing or parking of vehicles to those times and parts of roads listed in Schedule 3.

Submission received

Submission 3 states *'I do not support the timed parking, this is because we have a lot of kaumatua and kuia in Kaitia, and shops/post office/banks do not have allocated parking near most of them. Which means our kaumatua and kuia have to walk far from where they park. Putting a time limit on parking in Kaitia is not supporting our iwi.'*

Staff analysis

Staff agree that kaumatua and kuia should be able to have easy access to services.

The purpose of time-limited parking is to generate turnover of transient parkers and ensure availability of parking spaces at any given time in a particular location. An occupancy rate of approximately 85% ensures that parking resources are well-used and people can find a park in reasonable proximity to their destination. Therefore, time-limited parking aims to support kaumatua and kuia to be able to find a park close to where they need to go.

Other potential solutions to improving parking availability and reducing proximity to particular destinations should be discussed as part of the development of a Parking Policy. Any decisions within the Parking Policy will be regulated by the Bylaw in the future.

Staff recommendation

Council staff recommend no changes in response to this submission.

4.5 Submissions on schedules in the draft bylaw

Parking at Opito Bay

Submission received

Submission 07 and 08 both submitted on parking issues at Opito Bay. The submitters feel that the use of the boat ramp by commercial operators is causing significant issues for Opito Bay residents and requested the following:

- Specific parking for vehicles with trailers to eliminate inconsiderate parking
- Long-stay parking restrictions to prevent long-term parking by commercial operators
- Prohibit commercial parking (unless approval has been granted by Council)
- identifying the max weight allowed on the ramp and restricting access to the ramp to vehicles that are less than the max weight
- identifying potential run off and flooding issues from parking on reserve at Opito Bay
- explore subdivisions plans of properties on each side of Akeake Road to enable further car parking up this road.

Staff analysis

The issue of boat ramp use at Opito Bay is a complex issue which intersects with many different work programmes including the Maritime Facilities Bylaw review and the development of Opito Bay Reserve Management Plans.

Staff have considered allocating specific parking for vehicles with trailers at Opito Bay. The standard size for parking places for vehicle with trailers is 12.5m x 2.5m. The greatest depth identified is 10.5m before the parking place would start to interfere with the carriageway. Therefore, it is not a viable option to restrict parking places for vehicles with trailers at Opito Bay on the roadside.

However, there is sufficient space to demarcate parking places for approximately 12 vehicles near the boat ramp. Any vehicle which does not park correctly in the parking space, may be considered an offence of inconsiderate parking under the Land Transport (Road User) Rules 2004. Formalisation of the parking places does not need to be included in the Bylaw as Council has powers to do this under the Land Transport (Road User) Rules 2004. Council staff have initiated the process to demarcate the parking places at Opito Bay.

The submitters have requested the introduction of long-stay parking restrictions to prevent long-term parking by commercial operators. Staff do not believe the introduction of long-stay parking restrictions will solve the issue of commercial operators parking their heavy vehicles 'for months at a time'. It may lead to commercial operators just parking their vehicle further down the beach. Introducing long-stay parking restrictions may also affect other residents and recreational users of Opito Bay.

The request to restrict heavy vehicles from the boat ramp is out of scope of this Bylaw. Boat ramps are not road and therefore access is not able to be restricted by a Bylaw made under the Land Transport Act 1998. As a property owner, Council has the power to restrict access to boat ramps. The Maritime Facilities Bylaw currently regulates the use of boat ramps. That bylaw is in review, and the issue of heavy vehicle use at Opito Bay boat ramp will be considered as part of that review.

The Wharf Supporting Infrastructure project (Long Term Plan 2021-2031) aims to identify and prioritise maritime sites where infrastructure improvements are required, including parking. There is potential for further external funding for this project. The scope of this project considers sites and activities identified in the Boat Ramp Study. The study stated that the Opito Bay Boat ramp surface is showing significant signs of deterioration and will need resurfacing in the near future. Improvements to boat ramps will be based on a prioritisation criteria and available funding. The project could include options to purchase land surrounding boat ramps to improve facilities.

Parking and any potential complications from parking on reserve is out of scope of this bylaw. However, a Reserve Management Plan process has been initiated for Opito Bay. The community will have opportunities for engagement regarding the reserve management plan, and the parking of vehicles with trailers is a known issue that will be considered as part of this process.

Staff recommendation

Council staff recommend no changes to the Bylaw in response to this submission. However, staff have initiated the demarcation of parking spaces near the Opito Bay boat ramp, and will consider the issues at Opito Bay in other work programmes e.g. Maritime Facilities Bylaw and Reserve Management Plans.

*Parking at the Stone Store**Submission received*

Submission 6 relates to parking arrangements at the Stone Store in Kerikeri. The submission states that the parking restrictions at the end of Kerikeri Road are routinely ignored and the following is needed:

- better signage
- painted yellow lines on the road
- more active enforcement.

Staff analysis

Currently no stopping, standing or parking is allowed at the end of Kerikeri Road between the Stone Store and Plough and Feather. This is to allow buses to easily manoeuvre and park in the parking places restricted for buses only.

The parking restrictions at the end of Kerikeri Road no longer have corresponding road markings on site. This is due to heritage aesthetic considerations by the Kororipo Heritage Park Management Group. In place of road markings, discretely placed signs were considered sufficient. Supplementary markings are not mandatory.

Two 'No stopping' signs currently exist on site. A 'No parking' sign exists halfway down the parking place restricted for buses. Signs to indicate a bus stop are legally required to indicate start and finish of the bus stop, therefore, the current sign does not comply with legislation. Two new signs will need to be installed at each end of the bus stop. The parking place restricted for buses currently does not give enough space for buses to pull in and out of, therefore, schedule 1 will need to be amended to extend the bus stop to meet legal requirements.

A 'no parking beyond this point' sign can also be installed near the Department of Conservation car park, just before the Plough and Feather, to provide more clarity regarding the parking restrictions, but keeping the historic aesthetic of the area.

Staff have consulted with the Kororipo Heritage Park Management Group who have agreed with these changes.

The Parking Warden will ensure that the end of Kerikeri Road is added to their regular route, and more active enforcement will occur.

Staff recommendation

Staff recommend amending schedule 1 by extending the length of the bus stop by 12 meters to allow buses to pull in and out of the bus stop.

Amend Schedule 5 (not forming part of the Bylaw) to include a new map representing the above scheduled amendment.

APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED

Number	Organisation
1	Individual submission
2	Individual submission
3	Individual submission
4	Individual submission
5	Individual submission
6	Individual submission
7	Individual submission
8	Individual submission
9	Individual submission
10	Individual submission
11	Individual submission
12	Individual submission
13	Individual submission
14	Federated Farmers
15	Nga Tai Ora - Public Health Northland



Parking Bylaw 2022

Governing body of the Far North District Council
Resolution in Council [[insert date of resolution](#)]
Under section 22AB of the Land Transport Act 1998.

The bylaw is due for review by [[insert review date](#)].

Last updated
[Insert date made]

Parking Bylaw

Clause	Title	Page
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2	Related information boxes	3
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4	Application	3
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	Schedule 4 – Parking places	
	Schedule 5 – Parking restrictions or prohibitions grouped by town or area	
[Objective ID number]		1

Last updated
[Insert date made]

Parking Bylaw

1 Title

This bylaw is the Parking Bylaw.

2 Related information boxes

Boxes headed "Related information" in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed by Council without any formality.

3 Commencement

This bylaw comes into force 2 days after the date it is made by the governing body of the Far North District Council.

Related information

This bylaw is due for review by [insert review date, 5 years from date bylaw is made].

4 Application

This bylaw applies to roads within the Far North District that are under the control ~~the district~~ of the Far North District Council.

Related information

This bylaw does not apply to roads in the district that are state highways. State highways are regulated by Waka Kotahi (New Zealand Transport Agency).

Part 1: Preliminary provisions

5 Purpose

The purpose of this bylaw is to restrict or prohibit parking on roads and prescribe conditions for the use of parking places by:

- (a) limiting the period of time that vehicles may park on any part of the road;
- (b) limiting the parking of vehicles on some roads to vehicles of ~~any~~ specified class or description, ~~or specifying only vehicles of a certain class are permitted to use any parking place;~~
- (c) regulating any parking-related matters including (but not limited to) charges for the use of parking places, enhancing or promoting road safety and providing protection for the environment.

6 Interpretation

- (1) In this bylaw, unless the context otherwise requires, –

approval means an approval granted under this bylaw and includes all conditions to which the approval is subject.

approved disabled person's parking permit has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a disabled person's parking permit or mobility parking permit —

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs

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Parking Bylaw

Wanganui Incorporated; or

(b) approved by the territorial authority having control of the parking area.

council means means the governing body of the Far North District Council, or any person delegated to act on its behalf.

Related information

~~The following delegations have been made for this bylaw:~~

~~(list title/s of person/s receiving delegation and date delegation was made to come).~~

electric vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a motor vehicle with motive power wholly or partly derived from an external source of electricity.

emergency vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a vehicle used for attendance at emergencies and operated —

- (a) by an enforcement officer:
- (b) by an ambulance service:
- (c) as a fire service vehicle:
- (d) as a civil defence emergency vehicle:
- (e) as a defence force emergency vehicle.

goods vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a motor vehicle that is —

- (a) designed exclusively or principally for the carriage of goods; or
- (b) used for the collection or delivery of goods in the course of trade.

motorcycle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is:

- (a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and
- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by Waka Kotahi; but
- (c) does not include a moped.

parking warden means a person appointed by the council as a parking warden under section 128D of the Land Transport Act 1998.

passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is:

- (a) means a vehicle used or available for use in a passenger service for the carriage of passengers; but
- (b) does not include—

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- (i) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
- (ii) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules.

The term "passenger service" is also defined in section 2(1) of the Land Transport Act 1998.

road has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is:

Road includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment.

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is: means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

trailer has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is:

- (a) means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable; but
- (b) does not include—
 - (i) a sidecar attached to a motorcycle; or
 - (ii) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (v) a pedestrian-controlled lawnmower;
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vii) an article of furniture;
 - (viii) a wheelchair not propelled by mechanical power;

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[Insert date made]

Parking Bylaw

- | | |
|--|---|
| | (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:
(x) any rail vehicle. |
|--|---|
- (2) The Interpretation Act 1999 applies to this bylaw.
- | |
|---|
| Related information
This means that words or phrases used in this bylaw that are defined in the Interpretation Act 1999 have the meanings given in that Act. For example, section 29 of that Act defines "person" as "includes a corporation sole, a body corporate, and an unincorporated body". |
|---|

Part 2: Prohibited, restricted or limited parking

Related information

"Keep clear" areas are not included in this bylaw because they are created under clause 10.6 of the Land Transport Rule: Traffic Control Devices 2004. Clause 10.6 is as follows:
 10.6 'Keep Clear' zone at intersections
 10.6(1) A road controlling authority may mark the road surface of an intersection, or a place used as a vehicle entrance or exit, to indicate the area that a road user must not enter when the road user's intended passage through that area is blocked by traffic.
 10.6(2) An area in 10.6(1) must be marked, in compliance with Schedule 2, by means of either:
 (a) yellow reflectorised material in the form of diagonal crosshatched markings; or
 (b) the words 'keep clear' marked between lines that define the area.

7 Places where parking is prohibited

- (1) A person is prohibited from stopping, standing, or parking a vehicle on roads or parts of roads listed in Schedule 1. ~~These roads or parts of roads will be that are~~ marked with broken yellow lines parallel to, and at a distance of not more than one metre from, the edge of the roadway.

Related information

These places may also have "No parking" signs erected.

- (2) Where Schedule 1 specifies a class or description of vehicle, ~~the restriction in~~ subclause (1) only applies to vehicles of that class or description.
 (3) Where Schedule 1 restricts parking to specified dates or times, ~~the restriction in~~ subclause (1) only applies during those specified dates times.

8 Places where parking is restricted to certain types of vehicles

- (1) A person is prohibited from stopping, standing or parking a vehicle, other than a goods vehicle, on the roads, or parts of roads listed in Part A of Schedule 2. ~~These roads or parts of roads will that~~ have loading zone signs erected. If Part A of Schedule 2 specifies a time period, a person may only stop, stand, or park a goods vehicle for that specified period.

Related information

These places may also be marked on the roadway with broken yellow lines. Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that relates to a loading zone applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. Under clause 6.16(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle must not stop, stand, or park ~~th~~^ze vehicle on a loading zone —
 (a) if the vehicle is not a goods vehicle; or

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Parking Bylaw

(b) if the driver leaves the vehicle unattended for more than five minutes or any period longer than that specified on the sign; or

(c) if goods or passengers are not actually being loaded or unloaded from the vehicle.

- (32) A person is prohibited from stopping, standing or parking a vehicle, other than a vehicle displaying an approved disabled person's parking permit, on the roads, or parts of roads listed in Part B of Schedule 2. These roads or parts of roads will ~~that~~ have signs erected with the disabled symbol on them. If Part B of Schedule 2 specifies a time period, a person may only stop, stand, or park the vehicle displaying an approved disabled person's parking permit for that specified period.

Related information

Under clause 6.4(1A) of the Land Transport (Road User) Rule 2004 a person must not park a vehicle in a place reserved for vehicles displaying an approved disabled person's parking permit unless the driver or a passenger is disabled and the permit is prominently displayed in the vehicle.

- (43) A person is prohibited from stopping, standing or parking a vehicle, other than a passenger service vehicle, on the roads, or parts of roads listed in Part C of Schedule 2. These roads or parts of roads will ~~that~~ have bus stop signs erected. If Part C specifies a time period, a person may only stop, stand, or park a passenger service vehicle for that specified time period.

Related information

These places may also be marked on the roadway with broken yellow lines. Under clauses 6.8(2) and (3) and 6.15(3) of the Land Transport (Road User) Rule 2004, a bus may stop or stand within six metres of a bus stop sign, or, if the area in which stopping or standing is marked out is longer or shorter than six metres, the driver or person in charge of the bus must not leave the vehicle unattended on the area. Under clause 6.8(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle other than a bus must not stop, stand, or park the vehicle within 6 metres of a bus stop sign.

- (45) A person is prohibited from stopping, standing or parking a vehicle, other than a small passenger service vehicle, on the roads, or parts of roads listed in Part D of Schedule 2. These roads or parts of roads will ~~that~~ have Taxi or Small PSV signs erected. If Part D of Schedule 2 specifies a time period, a person may only stop, stand, or park a small passenger service vehicle for that specified time period.

Related information

These places may also be marked on the roadway with broken yellow lines. Ride sharing services, ~~such as Uber,~~ are small passenger service vehicles and can park on places with "Taxi" signs.

- (56) A person is prohibited from stopping, standing or parking a vehicle, other than an emergency vehicle, on the roads, or parts of roads listed in Part E of Schedule 2. These roads or parts of roads will ~~that~~ have Emergency Vehicles signs erected.

Related information

These places may also be marked on the roadway with broken yellow lines.

- (67) A person is prohibited from stopping, standing or parking a vehicle, other than a boat trailer, on the roads, or parts of roads listed in Part F of Schedule 2. These roads or parts of roads will ~~that~~ have Boat trailer signs erected. In this subclause "boat trailer" means a vehicle:
- designed and constructed for the carriage of a boat; and
 - without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable.

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Parking Bylaw

- (78) A person is prohibited from stopping, standing or parking a vehicle, other than an electric vehicle, on the roads, or parts of roads listed in Part G of Schedule 2. These roads or parts of roads will that have signs erected with the electric vehicle charging symbol erected.

Related information

There are some places provided for electric vehicle charging on private land that are not listed in the Schedule, all EV charging places can be seen on the map at this link:

<https://charge.net.nz/map/>

- (89) A person is prohibited from stopping, standing or parking a vehicle on the roads, or parts of roads listed in Part H of Schedule 2 unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. These roads or parts of roads will that have Authorised Vehicle signs erected unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. If Part H of Schedule 2 specifies a time period, a person displaying a label from Council showing approval for the vehicle to stop, stand or park there may only stop, stand, or park a vehicle for that specified time period.

Part 3: Time restricted parking

Related information

Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that incorporates the symbol "P" on the top of the sign, or relates to a loading zone, applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. All other signs apply at all hours of the day and night, unless a time period is specified on the sign.

9 Short-stay parking restrictions (P5 – P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part A of Schedule 3 with a P-sign erected for more than the time period specified in the Schedule for that road, or part.

10 Long-stay parking restrictions (more than P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part B of Schedule 3 with a P-sign erected for more than the time period specified in the Schedule for that road, or part.

11 Places where parking restricted to certain times of the day or year

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part C of Schedule 3 except on, or during, the days of the year, or the times of the day, specified in Part C for that road, or part.

Part 4: Parking places

12 Use of parking places

Use of the parking places listed in Schedule 4 is subject to the following conditions:

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Parking Bylaw

- (a) A person is prohibited from stopping, standing, or parking a vehicle on places that are marked with broken yellow lines (with or without “no parking” signs), or diagonal yellow crosshatched markings (with or without the words “keep clear” marked or signed):
- (b) A person must not stop, stand or park a vehicle, other than a vehicle displaying an approved disabled person’s parking permit, in the parking spaces that have signs erected with the disabled symbol on them. If the sign specifies a time period, a person may only stop, stand, or park the vehicle displaying an approved disabled person’s parking permit for that specified period:
- (c) A person must not stop, stand or park a vehicle in the parking spaces that have “Authorised Vehicle” signs erected, unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. If the sign specifies a time period, a person may only stop, stand, or park a vehicle for that specified time period:
- (d) A person must not stop, stand or park a vehicle in the parking spaces that have signs stating they are reserved for use, either generally or at specified times, only by a specified person, unless that person is such a specified person:
- (e) A person must not stop, stand or park a vehicle in the parking spaces that have a “P” sign erected for more than the time period specified on the sign:
- (f) A person must not stop, stand or park a vehicle, in the parking spaces that have signs stating that only a specified class of vehicle is entitled to use that space, ~~except for vehicles unless they are stopping, standing or parking a vehicle~~ of the class specified on the sign. If the sign specifies a time period, a person may only stop, stand, or park the vehicle for that specified period:
- (g) Where a parking place has signs, delineators or markings indicating the travel path to follow, a person must drive a vehicle in that travel path:
- (h) Where a parking place has signs that specify “no entry” or “no exit”, a person must not enter or exit the parking place in contravention of that sign.

Part 5: Approvals

13 Approval to use authorised vehicle parking spaces

- (1) A person who requires an authorised vehicle label ~~under to enable them to stop, stand or park a vehicle on a road or part of a road restricted by~~ clause 8(9) or clause 12(c) (“the applicant”) must apply to the council for an approval and the application must be:
 - (a) in the form required by the council; and
 - (b) accompanied by the applicable fee set in the council’s Fees and Charges Policy.
- (2) The council may grant or decline an application for an approval in its absolute discretion. Nothing in this subclause affects the right of an applicant to apply for judicial review of a decision to decline an application for an approval or a decision to include conditions on an approval.
- (3) An applicant may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.
- (4) Approvals are not transferable to another person.
- (5) An approval does not affect or limit the obligations of any person to comply with any legislation or regulatory requirements that applies to the matters covered by the approval.

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Last updated
[Insert date made]

Parking Bylaw

14 Conditions on approval

- (1) ~~All approvals granted under clause 13 include a condition that enables the council to carry out inspections to ensure the approval and its conditions are being complied with.~~
- (2) The council may include ~~other conditions~~ following conditions on any approval ~~for the following matters granted by Council:~~
 - (a) requiring a label, in the form specified by the council, to be displayed on a vehicle showing the approval;
 - (b) the duration of the approval and how the approval may be renewed, if at all;
 - (c) any other matter the council considers is necessary to enhance or promote road safety or provide protection for the environment.

15 Amendment of approval

A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval, including the payment of the applicable fee with any necessary modifications.

16 Suspending or cancelling approval

- (1) The council may suspend or cancel an approval in its absolute discretion if:
 - (a) any conditions are not complied with; or
 - (b) the road or part of the road the approval applies to is removed from Part H of Schedule 2 or Schedule 4; or
 - (c) the limits or restrictions on the use of the road or part of the road the approval applies to are changed; or
 - (d) the council considers the suspension or cancellation is necessary to enhance or promote road safety or provide protection for the environment.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the approval. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling an approval does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for the acts or omissions that ~~were the reasons for~~ may have contributed to the suspension or cancellation.
- (4) Except where the approval is cancelled under subclause (1)(b) and 1(c), the person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in subclauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.

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[Insert date made]

Parking Bylaw

Part 6: Enforcement, offences and penalties

17 Removal of vehicles in breach of bylaw

- (1) Where any vehicle is parked on any road or part of a road or parking place in breach of this bylaw, the council may remove the vehicle.
- (2) Where a vehicle is removed under subclause (1) ~~from a parking place~~, the council may recover from the person who committed the breach of this bylaw the reasonable costs of the removal.

Related information

The council can also remove abandoned motor vehicles from a road under section 356 of the Local Government Act 1974.

18 Offences under transport legislation

- (1) ~~Any person who fails to comply with any control, restriction, limitation or prohibition prescribed by this Bylaw commits an offence under the Act and is liable to the penalties set out in the Act. Parking in any portion of a road in breach of this bylaw is a stationary vehicle offence under the Land Transport Act 1998. Under section 133A of the Land Transport Act 1998 proceedings for a stationary vehicle offence may be taken against 1 or more of the following persons—~~
 - ~~(a) the person who allegedly committed the offence;~~
 - ~~(b) the person who, at the time of the alleged offence,—~~
 - ~~(i) was registered as the owner, or one of the owners, of the vehicle involved in the offence in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; or~~
 - ~~(ii) was the registered person in respect of the vehicle under Part 17 of this Act;~~
 - ~~(c) the person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence (whether or not jointly with any other person);~~
- ~~(2) Under section 139(6) of the Land Transport Act 1998 a parking warden may issue an infringement notice for a stationary vehicle offence or prosecute the offence under the Criminal Procedure Act 2011.~~

Related information

The penalties for stationary vehicle offences are prescribed in the Land Transport (Offences and Penalties) Regulations 1999. A person may either be issued with an infringement notice for a fee of up to \$150, or may be prosecuted and, if convicted, fined up to \$1000.

Part 7: Savings and transitional provisions

19 Parking and Traffic Control Bylaw revoked in part

- (1) Clauses 2001, 2002, 2003, 2007 and 2008 and Schedules 1 and 9 of the Parking and Traffic Control Bylaw made by the council on 17 June 2010 and all amendments made to those clauses or schedules are revoked.
- (2) All resolutions made pursuant to the provisions referred to in subclause (1) are also revoked.
- (3) The revocations in this clause do not prevent any legal proceedings, criminal or civil, commenced, before the date of commencement of this bylaw, to enforce the bylaw or

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resolutions from continuing to be dealt with and completed as if the bylaw or resolutions had not been revoked.

20 Applications, approvals etc under revoked bylaw

All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause 19, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except:

- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw commenced; and
- (b) any approval, permit or authorisation ~~cannot be renewed under this bylaw, a new approval must be applied for under this bylaw granted under revoked bylaws, cannot be renewed under this bylaw, and must be treated as a new application.~~

Schedules

21 Roads that have parking restrictions, limits or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where parking is prohibited under clause 7.
- (2) Schedule 2 lists the roads, or parts of roads, where parking is restricted to certain types of vehicles under clause 8. Schedule 2 has 8 parts:
 - (a) Part A lists the locations where only goods vehicles may stop, stand, or park:
 - (b) Part B lists the locations where only vehicles with approved disabled person's parking permit may stop, stand, or park:
 - (c) Part C lists the locations where only passenger service vehicles may stop, stand, or park:
 - (d) Part D lists the locations where only small passenger service vehicles may stop, stand, or park:
 - (e) Part E lists the locations where only emergency vehicles may stop, stand, or park:
 - (f) Part F lists the locations where only boat trailers may stop, stand, or park:
 - (g) Part G lists the locations where only electric vehicles may stop, stand, or park:
 - (h) Part H lists the locations where only vehicles with an approval may stop, stand, or park:
- (3) Schedule 3 lists the roads, or parts of roads, where the time a vehicle can be parked is restricted under clauses 9 to 11. Schedule 3 has 3 parts:
 - (a) Part A lists the locations where the time period is between 5 minutes and 30 minutes.
 - (b) Part B lists the locations where the time period is more than 30 minutes.
 - (c) Part C lists the locations where the time is restricted to days of the year or the times of the day.
- (4) Schedule 4 lists parking places that clause 12 applies to.
- (5) The co-ordinates in the Schedules are measured at the centreline of the road. ~~The parking restrictions are marked or have a sign erected on the kerb of the road that corresponds with the co-ordinates. [check wording with GIS consultant]~~
- (6) The Schedules 1 to 4 are organised by the type of parking restriction or prohibition. Schedule 5 groups the restrictions or prohibitions by the town or area they apply to, for ease of reference only. Schedule 5 is not part of this bylaw and if there is any conflict or inconsistency between the Schedules, Schedules 1 to 4 prevail.

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Parking Bylaw

22 Amendment to Schedules

- (1) The council may, by resolution, add or remove any road, or part of a road, from Schedules 1, 2 or 3.
- (2) Where a road, or part of a road, is added to a Schedule under subclause (1), the resolution may also specify the class or description of vehicle, or dates or times, that apply on that road, or part of a road and for Schedule 3 the resolution may specify the period of time that applies.
- (3) The council may, by resolution, add or delete any parking place listed in Schedule 4.

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Parking Bylaw 2022

Governing body of the Far North District Council
Resolution in Council 19 May 2022
Bylaw made under section 22AB of the Land Transport Act 1998.

The bylaw is due for review by 19 May 2027.

**Last updated
19 May 2022**

Parking Bylaw

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Parking Bylaw

1 Title

This bylaw is the Parking Bylaw 2022.

2 Related information boxes

Boxes headed "Related information" in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed by Council without any formality.

3 Commencement

This bylaw comes into force 23 May 2022.

Related information

This bylaw is due for review by 19 May 2027.

4 Application

This bylaw applies to roads within the Far North District that are under the control of the Far North District Council.

Related information

This bylaw does not apply to roads in the district that are state highways. State highways are regulated by Waka Kotahi (New Zealand Transport Agency).

Part 1: Preliminary provisions

5 Purpose

The purpose of this bylaw is to restrict or prohibit parking on roads and prescribe conditions for the use of parking places by:

- (a) limiting the period of time that vehicles may park on any part of the road;
- (b) limiting the parking of vehicles on some roads to vehicles of a specified class or description,
- (c) regulating any parking-related matters including (but not limited to) charges for the use of parking places, enhancing or promoting road safety and providing protection for the environment.

6 Interpretation

- (1) In this bylaw, unless the context otherwise requires, –

approval means an approval granted under this bylaw and includes all conditions to which the approval is subject.

approved disabled person's parking permit has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a disabled person's parking permit or mobility parking permit –

- (a) issued by CCS Disability Action Incorporated or Sommerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by the territorial authority having control of the parking area.

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council means the governing body of the Far North District Council, or any person delegated to act on its behalf.

electric vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a motor vehicle with motive power wholly or partly derived from an external source of electricity.

emergency vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a vehicle used for attendance at emergencies and operated —

- (a) by an enforcement officer;
- (b) by an ambulance service;
- (c) as a fire service vehicle;
- (d) as a civil defence emergency vehicle;
- (e) as a defence force emergency vehicle.

goods vehicle has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is: means a motor vehicle that is —

- (a) designed exclusively or principally for the carriage of goods; or
- (b) used for the collection or delivery of goods in the course of trade.

motorcycle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is:

- (a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and
- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by Waka Kotahi; but
- (c) does not include a moped.

parking warden means a person appointed by the council as a parking warden under section 128D of the Land Transport Act 1998.

passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is:

- (a) means a vehicle used or available for use in a passenger service for the carriage of passengers; but
- (b) does not include—
 - (i) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried; or
 - (ii) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules.

The term "passenger service" is also defined in section 2(1) of the Land Transport Act 1998.

road has the same meaning as in section 2(1) of the Land Transport Act 1998.

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Related information

As at 1 April 2021 the definition is:

Road includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment.

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is: means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

trailer has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is:

- (a) means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable; but
- (b) does not include—
 - (i) a sidecar attached to a motorcycle; or
 - (ii) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (iv) a pedestrian-controlled lawnmower;
 - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vi) an article of furniture;
 - (vii) a wheelchair not propelled by mechanical power;
 - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - (x) any rail vehicle.

- (2) The Interpretation Act 1999 applies to this bylaw.

Related information

This means that words or phrases used in this bylaw that are defined in the Interpretation Act 1999 have the meanings given in that Act. For example, section 29 of that Act defines

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"person" as "includes a corporation sole, a body corporate, and an unincorporated body".

Part 2: Prohibited, restricted or limited parking

Related information

"Keep clear" areas are not included in this bylaw because they are created under clause 10.6 of the Land Transport Rule: Traffic Control Devices 2004. Clause 10.6 is as follows:

10.6 'Keep Clear' zone at intersections

10.6(1) A road controlling authority may mark the road surface of an intersection, or a place used as a vehicle entrance or exit, to indicate the area that a road user must not enter when the road user's intended passage through that area is blocked by traffic.

10.6(2) An area in 10.6(1) must be marked, in compliance with Schedule 2, by means of either:

- (a) yellow reflectorised material in the form of diagonal crosshatched markings; or
- (b) the words 'keep clear' marked between lines that define the area.

7 Places where parking is prohibited

- (1) A person is prohibited from stopping, standing, or parking a vehicle on roads or parts of roads listed in Schedule 1. These roads or parts of roads will be marked with broken yellow lines parallel to, and at a distance of not more than one metre from, the edge of the roadway.

Related information

These places may also have "No parking" signs erected.

- (2) Where Schedule 1 specifies a class or description of vehicle, the restriction in subclause (1) only applies to vehicles of that class or description.
- (3) Where Schedule 1 restricts parking to specified dates or times, the restriction in subclause (1) only applies during those specified dates times.

8 Places where parking is restricted to certain types of vehicles

- (1) A person is prohibited from stopping, standing or parking a vehicle, other than a goods vehicle, on the roads, or parts of roads listed in Part A of Schedule 2. These roads or parts of roads will have loading zone signs erected. If Part A of Schedule 2 specifies a time period, a person may only stop, stand, or park a goods vehicle for that specified period.

Related information

These places may also be marked on the roadway with broken yellow lines. Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that relates to a loading zone applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. Under clause 6.16(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a loading zone —

- (a) if the vehicle is not a goods vehicle; or
- (b) if the driver leaves the vehicle unattended for more than five minutes or any period longer than that specified on the sign; or
- (c) if goods or passengers are not actually being loaded or unloaded from the vehicle.

- (2) A person is prohibited from stopping, standing or parking a vehicle, other than a vehicle displaying an approved disabled person's parking permit, on the roads, or parts of roads listed in Part B of Schedule 2. These roads or parts of roads will have signs erected with the disabled symbol on them. If Part B of Schedule 2 specifies a time period, a person may only stop, stand,

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or park the vehicle displaying an approved disabled person's parking permit for that specified period.

Related information

Under clause 6.4(1A) of the Land Transport (Road User) Rule 2004 a person must not park a vehicle in a place reserved for vehicles displaying an approved disabled person's parking permit unless the driver or a passenger is disabled and the permit is prominently displayed in the vehicle.

- (3) A person is prohibited from stopping, standing or parking a vehicle, other than a passenger service vehicle, on the roads, or parts of roads listed in Part C of Schedule 2. These roads or parts of roads will have bus stop signs erected. If Part C specifies a time period, a person may only stop, stand, or park a passenger service vehicle for that specified time period.

Related information

These places may also be marked on the roadway with broken yellow lines. Under clauses 6.8(2) and (3) and 6.15(3) of the Land Transport (Road User) Rule 2004, a bus may stop or stand within six metres of a bus stop sign, or, if the area in which stopping or standing is marked out is longer or shorter than six metres, the driver or person in charge of the bus must not leave the vehicle unattended on the area. Under clause 6.8(1) of the Land Transport (Road User) Rule 2004, a driver or person in charge of a vehicle other than a bus must not stop, stand, or park the vehicle within 6 metres of a bus stop sign.

- (4) A person is prohibited from stopping, standing or parking a vehicle, other than a small passenger service vehicle, on the roads, or parts of roads listed in Part D of Schedule 2. These roads or parts of roads will have Taxi or Small PSV signs erected. If Part D of Schedule 2 specifies a time period, a person may only stop, stand, or park a small passenger service vehicle for that specified time period.

Related information

These places may also be marked on the roadway with broken yellow lines. Ride sharing services are small passenger service vehicles and can park on places with "Taxi" signs.

- (5) A person is prohibited from stopping, standing or parking a vehicle, other than an emergency vehicle, on the roads, or parts of roads listed in Part E of Schedule 2. These roads or parts of roads will have Emergency Vehicles signs erected.

Related information

These places may also be marked on the roadway with broken yellow lines.

- (6) A person is prohibited from stopping, standing or parking a vehicle, other than a boat trailer, on the roads, or parts of roads listed in Part F of Schedule 2. These roads or parts of roads will have Boat trailer signs erected. In this subclause "boat trailer" means a vehicle:
- designed and constructed for the carriage of a boat; and
 - without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable.
- (7) A person is prohibited from stopping, standing or parking a vehicle, other than an electric vehicle, on the roads, or parts of roads listed in Part G of Schedule 2. These roads or parts of roads will have signs erected with the electric vehicle charging symbol.

Related information

There are some places provided for electric vehicle charging on private land that are not listed in the Schedule, all EV charging places can be seen on the map at this link:

<https://charge.net.nz/map/>

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- (8) A person is prohibited from stopping, standing or parking a vehicle on the roads, or parts of roads listed in Part H of Schedule 2 unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. These roads or parts of roads will have Authorised Vehicle signs erected. If Part H of Schedule 2 specifies a time period, a person displaying a label from Council showing approval for the vehicle to stop, stand or park there may only stop, stand, or park a vehicle for that specified time period.

Part 3: Time restricted parking

Related information

Under clause 6.4(2) of the Land Transport (Road User) Rule 2004, a sign that incorporates the symbol "P" on the top of the sign, or relates to a loading zone, applies between the hours of 8am and 6pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. All other signs apply at all hours of the day and night, unless a time period is specified on the sign.

9 Short-stay parking restrictions (P5 – P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part A of Schedule 3 for more than the time period specified in the Schedule for that road, or part.

10 Long-stay parking restrictions (more than P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part B of Schedule 3 for more than the time period specified in the Schedule for that road, or part.

11 Places where parking restricted to certain times of the day or year

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part C of Schedule 3 except on, or during, the days of the year, or the times of the day, specified in Part C for that road, or part.

Part 4: Parking places

12 Use of parking places

Use of the parking places listed in Schedule 4 is subject to the following conditions:

- (a) A person is prohibited from stopping, standing, or parking a vehicle on places that are marked with broken yellow lines (with or without "no parking" signs), or diagonal yellow crosshatched markings (with or without the words "keep clear" marked or signed):
- (b) A person must not stop, stand or park a vehicle, other than a vehicle displaying an approved disabled person's parking permit, in the parking spaces that have signs erected with the disabled symbol on them. If the sign specifies a time period, a person may only stop, stand, or park the vehicle displaying an approved disabled person's parking permit for that specified period:
- (c) A person must not stop, stand or park a vehicle in the parking spaces that have "Authorised Vehicle" signs erected, unless the vehicle is displaying a label from the council showing approval for the vehicle to stop, stand or park there. If the sign specifies a time period, a person may only stop, stand, or park a vehicle for that specified time period:

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- (d) A person must not stop, stand or park a vehicle in the parking spaces that have signs stating they are reserved for use, either generally or at specified times, only by a specified person, unless that person is such a specified person:
- (e) A person must not stop, stand or park a vehicle in the parking spaces that have a "P" sign erected for more than the time period specified on the sign:
- (f) A person must not stop, stand or park a vehicle, in the parking spaces that have signs stating that only a specified class of vehicle is entitled to use that space, unless they are stopping, standing or parking a vehicle of the class specified on the sign. If the sign specifies a time period, a person may only stop, stand, or park the vehicle for that specified period:
- (g) Where a parking place has signs, delineators or markings indicating the travel path to follow, a person must drive a vehicle in that travel path:
- (h) Where a parking place has signs that specify "no entry" or "no exit", a person must not enter or exit the parking place in contravention of that sign.

Part 5: Approvals

13 Approval to use authorised vehicle parking spaces

- (1) A person who requires an authorised vehicle label to enable them to stop, stand or park a vehicle on a road or part of a road restricted by clause 8(8) or clause 12(c) ("**the applicant**") must apply to the council for an approval and the application must be:
 - (a) in the form required by the council; and
 - (b) accompanied by the applicable fee set in the council's Fees and Charges Policy.
- (2) The council may grant or decline an application for an approval in its absolute discretion. Nothing in this subclause affects the right of an applicant to apply for judicial review of a decision to decline an application for an approval or a decision to include conditions on an approval.
- (3) An applicant may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.
- (4) Approvals are not transferable to another person.
- (5) An approval does not affect or limit the obligations of any person to comply with any legislation or regulatory requirements that applies to the matters covered by the approval.

14 Conditions on approval

- (1) The council may include the following conditions on any approval granted by Council:
 - (a) requiring a label, in the form specified by the council, to be displayed on a vehicle showing the approval:
 - (b) the duration of the approval and how the approval may be renewed, if at all:
 - (c) any other matter the council considers is necessary to enhance or promote road safety or provide protection for the environment.

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Parking Bylaw

15 Amendment of approval

A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval, including the payment of the applicable fee with any necessary modifications.

16 Suspending or cancelling approval

- (1) The council may suspend or cancel an approval in its absolute discretion if:
 - (a) any conditions are not complied with; or
 - (b) the road or part of the road the approval applies to is removed from Part H of Schedule 2 or Schedule 4; or
 - (c) the limits or restrictions on the use of the road or part of the road the approval applies to are changed; or
 - (d) the council considers the suspension or cancellation is necessary to enhance or promote road safety or provide protection for the environment.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the approval. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling an approval does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for the acts or omissions that may have contributed to the suspension or cancellation.
- (4) Except where the approval is cancelled under subclause (1)(b) and 1(c), the person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in subclauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.

Part 6: Enforcement, offences and penalties

17 Removal of vehicles in breach of bylaw

- (1) Where any vehicle is parked on any road or part of a road or parking place in breach of this bylaw, the council may remove the vehicle.
- (2) Where a vehicle is removed under subclause (1), the council may recover from the person who committed the breach of this bylaw the reasonable costs of the removal.

Related information

The council can also remove abandoned motor vehicles from a road under section 356 of the Local Government Act 1974.

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18 Offences under transport legislation

- (1) Any person who fails to comply with any control, restriction, limitation or prohibition prescribed by this Bylaw commits an offence under the Act and is liable to the penalties set out in the Act.

Related information

The penalties for stationary vehicle offences are prescribed in the Land Transport (Offences and Penalties) Regulations 1999. A person may either be issued with an infringement notice for a fee of up to \$150, or may be prosecuted and, if convicted, fined up to \$1000.

Part 7: Savings and transitional provisions

19 Parking and Traffic Control Bylaw revoked in part

- (1) Clauses 2001, 2002, 2003, 2007 and 2008 and Schedules 1 and 9 of the Parking and Traffic Control Bylaw made by the council on 17 June 2010 and all amendments made to those clauses or schedules are revoked.
- (2) All resolutions made pursuant to the provisions referred to in subclause (1) are also revoked.
- (3) The revocations in this clause do not prevent any legal proceedings, criminal or civil, commenced, before the date of commencement of this bylaw, to enforce the bylaw or resolutions from continuing to be dealt with and completed as if the bylaw or resolutions had not been revoked.

20 Applications, approvals etc under revoked bylaw

All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause 19, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except:

- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw commenced; and
- (b) any approval, permit or authorisation granted under revoked bylaws, cannot be renewed under this bylaw, and must be treated as a new application.

Schedules

21 Roads that have parking restrictions, limits or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where parking is prohibited under clause 7.
- (2) Schedule 2 lists the roads, or parts of roads, where parking is restricted to certain types of vehicles under clause 8. Schedule 2 has 8 parts:
- (a) Part A lists the locations where only goods vehicles may stop, stand, or park:
- (b) Part B lists the locations where only vehicles with approved disabled person's parking permit may stop, stand, or park:
- (c) Part C lists the locations where only passenger service vehicles may stop, stand, or park:
- (d) Part D lists the locations where only small passenger service vehicles may stop, stand, or park:
- (e) Part E lists the locations where only emergency vehicles may stop, stand, or park:

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19 May 2022**

Parking Bylaw

- (f) Part F lists the locations where only boat trailers may stop, stand, or park:
- (g) Part G lists the locations where only electric vehicles may stop, stand, or park:
- (h) Part H lists the locations where only vehicles with an approval may stop, stand, or park:
- (3) Schedule 3 lists the roads, or parts of roads, where the time a vehicle can be parked is restricted under clauses 9 to 11. Schedule 3 has 3 parts:
 - (a) Part A lists the locations where the time period is between 5 minutes and 30 minutes.
 - (b) Part B lists the locations where the time period is more than 30 minutes.
 - (c) Part C lists the locations where the time is restricted to days of the year or the times of the day.
- (4) Schedule 4 lists parking places that clause 12 applies to.
- (5) The co-ordinates in the Schedules are measured at the centreline of the road.
- (6) The Schedules 1 to 4 are organised by the type of parking restriction or prohibition. Schedule 5 groups the restrictions or prohibitions by the town or area they apply to, for ease of reference only. Schedule 5 is not part of this bylaw and if there is any conflict or inconsistency between the Schedules, Schedules 1 to 4 prevail.

22 Amendment to Schedules

- (1) The council may, by resolution, add or remove any road, or part of a road, from Schedules 1, 2 or 3.
- (2) Where a road, or part of a road, is added to a Schedule under subclause (1), the resolution may also specify the class or description of vehicle, or dates or times, that apply on that road, or part of a road and for Schedule 3 the resolution may specify the period of time that applies.
- (3) The council may, by resolution, add or delete any parking place listed in Schedule 4.

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Far North
District Council

Te Kaunihera o Tai Tokerau Ki Te Raki



Parking Bylaw 2022

Schedules made under the Parking Bylaw 2022 for roads that have parking restrictions, limits or prohibitions

Schedule 1

Roads or parts of roads, where parking is prohibited

Explanatory note: Clause 7 of the Parking Bylaw 2022 states:

- (1) A person is prohibited from stopping, standing, or parking a vehicle on roads or parts of roads listed in Schedule 1. These roads or parts of roads will be marked with broken yellow lines parallel to, and at a distance of not more than one metre from, the edge of the roadway.*
- (2) Where Schedule 1 specifies a class or description of vehicle, the restriction in subclause (1) only applies to vehicles of that class or description.*
- (3) Where Schedule 1 restricts parking to specified dates or times, the restriction in subclause (1) only applies during those specified dates times.*

Pursuant to section 22AB of the Land Transport Act 1998

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Schedule 1 – Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited as per clause 7 of the Parking Bylaw 2022

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited at all times

Road Name	Community	Side of road	GPS Start	GPS End	Length (meters)
Mataurahi Road	Ahipara	RIGHT	-35.2635984883299, 174.123772174213	-35.2639128671708, 174.123907973354	37
Bayside Drive	Coopers Beach	LEFT	-34.99121913954, 173.508526844243	-34.9911357576371, 173.50939916999	81
Bayside Drive	Coopers Beach	LEFT	-34.9920031012537, 173.506861432804	-34.9913484065815, 173.507613664804	113
Bayside Drive	Coopers Beach	LEFT	-34.9925532108909, 173.506825547847	-34.9920872319566, 173.506856704999	52
Bergham Road	Coopers Beach	LEFT	-34.9925536770639, 173.509444281422	-34.9926512635907, 173.509442542273	11
Bergham Road	Coopers Beach	RIGHT	-34.9925530160133, 173.509389500467	-34.9926506025399, 173.509387761253	11
Walters Way	Coopers Beach	LEFT	-34.9925063947673, 173.502061045888	-34.9921382270957, 173.502068426065	41
Walters Way	Coopers Beach	RIGHT	-34.9925071384851, 173.502115825087	-34.9922792245204, 173.502120394087	25
Old Wharf Road	Haruru Falls	LEFT	-35.2801219912724, 174.053146406327	-35.2801082520458, 174.05331756431	16
Old Wharf Road	Haruru Falls	LEFT	-35.2802677021616, 174.052902336625	-35.280198808563, 174.05290339872	8
Yorke Road	Haruru Falls	LEFT	-35.2775074119412, 174.05865596409	-35.2778195940739, 174.057160125398	159
Yorke Road	Haruru Falls	LEFT	-35.2806231629267, 174.058159499434	-35.2787300074304, 174.058967670353	243
Yorke Road	Haruru Falls	RIGHT	-35.2803064436341, 174.058277720474	-35.2790352909459, 174.059096008773	173
Cameron Street	Kaikohe	LEFT	-35.4090969243711, 173.804988708276	-35.4094818540537, 173.80408136874	94
Clifford Street	Kaikohe	LEFT	-35.4072443851472, 173.799521874858	-35.4071386727924, 173.79943928156	14
Clifford Street	Kaikohe	RIGHT	-35.4071898808202, 173.799544655903	-35.4068879389518, 173.799308494756	40
Clifford Street	Kaikohe	RIGHT	-35.4072956020718, 173.799627256088	-35.4072427454926, 173.799585958761	7
Clifford Street	Kaikohe	RIGHT	-35.4073937641272, 173.799703950321	-35.4073409075764, 173.799662652894	7
Memorial Avenue	Kaikohe	LEFT	-35.4096428708125, 173.800565480435	-35.409611264454, 173.800644612755	8
Memorial Avenue	Kaikohe	LEFT	-35.4099865912124, 173.799704905024	-35.4097969529076, 173.800179705367	48
Memorial Avenue	Kaikohe	RIGHT	-35.409504905239, 173.801034901337	-35.409472105149, 173.801113299038	8
Park Road	Kaikohe	LEFT	-35.406060869852, 173.796837683464	-35.4057809067575, 173.796684629212	34
Penney Crescent	Kaikohe	LEFT	-35.4121518386767, 173.805505724141	-35.4125863170826, 173.80530106219	66
Penney Crescent	Kaikohe	RIGHT	-35.41177070122608, 173.806540942547	-35.4117740958168, 173.806389489411	16
Purdy Street	Kaikohe	LEFT	-35.4090636753897, 173.805161385531	-35.4087455948121, 173.805872463568	75
Purdy Street	Kaikohe	RIGHT	-35.4087501192725, 173.805958950535	-35.40850445595, 173.806375100536	47
Purdy Street	Kaikohe	RIGHT	-35.4088836312836, 173.805732780129	-35.4088302259911, 173.805823247936	10
Purdy Street	Kaikohe	RIGHT	-35.4091085047632, 173.805167192759	-35.4089707309868, 173.805584774192	41
Raihara Street	Kaikohe	RIGHT	-35.4072857506792, 173.801063193026	-35.4073415102932, 173.801095756853	7
Raihara Street	Kaikohe	RIGHT	-35.4074821079086, 173.801177865155	-35.4077193714502, 173.80131642851	29
Raihara Street	Kaikohe	RIGHT	-35.4077193714502, 173.80131642851	-35.4078865081351, 173.801414036081	21
Recreation Road	Kaikohe	LEFT	-35.4097359139908, 173.805179108537	-35.4096635544043, 173.805345190746	17
Recreation Road	Kaikohe	RIGHT	-35.4098486155588, 173.80503920552	-35.4096745101028, 173.80544001932	41
Routley Avenue	Kaikohe	RIGHT	-35.4068843220386, 173.801182617729	-35.4067847294614, 173.801108995031	13
Station Road	Kaikohe	LEFT	-35.4085359388093, 173.798414711635	-35.408723741763, 173.798545352347	24
Station Road	Kaikohe	LEFT	-35.4088802460546, 173.798654220828	-35.4089819743103, 173.798724981334	13
Station Road	Kaikohe	RIGHT	-35.408511296806, 173.79833420207	-35.4089103793318, 173.798611813571	51
Tawanui Road	Kaikohe	LEFT	-35.4069026160315, 173.792896591302	-35.406776913488, 173.792821478555	16
Tawanui Road	Kaikohe	LEFT	-35.407138780375, 173.793132077671	-35.4070623739967, 173.793055891074	11
Tawanui Road	Kaikohe	LEFT	-35.4073293423021, 173.793312083301	-35.407236671662, 173.793226199562	13
Tawanui Road	Kaikohe	RIGHT	-35.4071102712628, 173.793174732159	-35.4065702817072, 173.792863714515	69
Tawanui Road	Kaikohe	RIGHT	-35.4073020928872, 173.79335595061	-35.4072094222781, 173.79327006685	13

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Tui Street (East)	Kaikohe	LEFT	-35.4071204782512, 173.79324045752	-35.407006198333, 173.793422297337	21
Tui Street (East)	Kaikohe	RIGHT	-35.4071562376769, 173.793273986231	-35.4070817069822, 173.793392577109	14
Tui Street (West)	Kaikohe	LEFT	-35.4072298615248, 173.793161248576	-35.4072860528523, 173.793078144989	10
Tui Street (West)	Kaikohe	RIGHT	-35.4071951021742, 173.793126183429	-35.4072512934777, 173.793043079852	10
Wihongi Street	Kaikohe	LEFT	-35.4063995068965, 173.802192639817	-35.4063695117693, 173.802165185471	4
Wihongi Street	Kaikohe	RIGHT	-35.4063723618309, 173.802236603758	-35.4063006979211, 173.802175035442	10
Ahipara Road	Kaitaia	LEFT	-35.1714976612702, 173.154015750485	-35.1714830559591, 173.153885349872	12
Ahipara Road	Kaitaia	RIGHT	-35.1715339134138, 173.153931728993	-35.1715223431891, 173.153832577965	9
Ahipara Road	Kaitaia	RIGHT	-35.1715542577808, 173.154122639591	-35.1715508484854, 173.154089957226	3
Allen Bell Drive	Kaitaia	LEFT	-35.1097405620078, 173.262467015349	-35.109695193003, 173.262533892794	8
Allen Bell Drive	Kaitaia	LEFT	-35.1098843196817, 173.262255244982	-35.1098096244569, 173.262365249405	13
Allen Bell Drive	Kaitaia	LEFT	-35.1107312891859, 173.261012479506	-35.1107013348483, 173.261053497182	5
Allen Bell Drive	Kaitaia	RIGHT	-35.1097753308195, 173.262501945238	-35.1097299617956, 173.262568822692	8
Allen Bell Drive	Kaitaia	RIGHT	-35.1099190758869, 173.262290194556	-35.1098443806307, 173.262400198993	13
Allen Bell Drive	Kaitaia	RIGHT	-35.1107649893058, 173.261048926721	-35.110735034956, 173.2610899444	5
Bank Street	Kaitaia	LEFT	-35.1150728083076, 173.264553785058	-35.115112621121, 173.264486057865	8
Bank Street	Kaitaia	LEFT	-35.1153034472793, 173.264080418407	-35.1153898481886, 173.263944826936	16
Bank Street	Kaitaia	LEFT	-35.1154991628388, 173.263795059159	-35.1155538205464, 173.263720174572	9
Bank Street	Kaitaia	LEFT	-35.1156439570886, 173.263578686965	-35.1156607624987, 173.263553810059	3
Bank Street	Kaitaia	LEFT	-35.1158148450637, 173.263341131167	-35.1159710411976, 173.263129143059	26
Bank Street	Kaitaia	RIGHT	-35.1150392738862, 173.264517108944	-35.1150962113617, 173.264410503344	12
Bank Street	Kaitaia	RIGHT	-35.1152052563207, 173.264178709078	-35.1152370604548, 173.264111101705	7
Bank Street	Kaitaia	RIGHT	-35.1152602962476, 173.264061765908	-35.1152992913251, 173.263986814737	8
Bank Street	Kaitaia	RIGHT	-35.1153500667484, 173.263916708132	-35.1153865049759, 173.263866784864	6
Bank Street	Kaitaia	RIGHT	-35.115531251736, 173.263668575099	-35.1155591396138, 173.263624504	5
Bank Street	Kaitaia	RIGHT	-35.1156828955737, 173.263438363217	-35.1156943116114, 173.263422496248	2
Bank Street	Kaitaia	RIGHT	-35.1157870640025, 173.26329664806	-35.1159374737922, 173.263092510913	25
Blencowe Street	Kaitaia	LEFT	-35.1117505229645, 173.261851548518	-35.1117927333612, 173.261786935944	8
Blencowe Street	Kaitaia	LEFT	-35.1120156488376, 173.261452573103	-35.1120830585589, 173.26135159709	12
Blencowe Street	Kaitaia	LEFT	-35.1121434698586, 173.261261106949	-35.1121718042271, 173.261218664566	5
Blencowe Street	Kaitaia	LEFT	-35.1124184495783, 173.260849162964	-35.1124799388322, 173.260754960917	11
Blencowe Street	Kaitaia	RIGHT	-35.1117152147991, 173.261817429474	-35.1117654657761, 173.26174032393	9
Blencowe Street	Kaitaia	RIGHT	-35.1118676332609, 173.261587276695	-35.1119469681566, 173.261468436685	14
Blencowe Street	Kaitaia	RIGHT	-35.1119752275186, 173.261426103973	-35.1120215634973, 173.261356695525	8
Blencowe Street	Kaitaia	RIGHT	-35.112103515289, 173.261233941437	-35.1121486724033, 173.261166300159	8
Blencowe Street	Kaitaia	RIGHT	-35.1122300595105, 173.261044388861	-35.1122583938032, 173.261001946358	5
Blencowe Street	Kaitaia	RIGHT	-35.1123775078473, 173.260823526342	-35.1124446457427, 173.260720817945	12
Bonnets Road	Kaitaia	LEFT	-35.1109879721809, 173.258077354304	-35.1109855284531, 173.257766716301	28
Church Road	Kaitaia	LEFT	-35.1157376965631, 173.269588944562	-35.1156720429639, 173.269911906546	30
Church Road	Kaitaia	LEFT	-35.1157758922536, 173.269453674684	-35.115760907873, 173.269505387085	5
Church Road	Kaitaia	LEFT	-35.1158199788457, 173.269309027998	-35.1157940942144, 173.269390893357	8
Church Road	Kaitaia	LEFT	-35.115868809981, 173.269165668664	-35.1158453763815, 173.269231677945	7
Church Road	Kaitaia	LEFT	-35.1160740557199, 173.268746684306	-35.1160439905541, 173.268796255816	6
Church Road	Kaitaia	LEFT	-35.1161394400551, 173.268650514871	-35.1161125062891, 173.268690063036	5
Church Road	Kaitaia	LEFT	-35.1165349680654, 173.268039269232	-35.1163452163229, 173.268350769966	36
Church Road	Kaitaia	RIGHT	-35.115720956843, 173.26988846798	-35.115704672735, 173.270007461688	11
Church Road	Kaitaia	RIGHT	-35.1157608909551, 173.269677608625	-35.1157467837953, 173.269741100216	6
Collard Street	Kaitaia	RIGHT	-35.0486616174467, 173.25658562976	-35.0488235721103, 173.25595826098	60
Commerce Street	Kaitaia	LEFT	-35.1099103253104, 173.260041770064	-35.1098547065018, 173.259986056147	8
Commerce Street	Kaitaia	LEFT	-35.1100765041739, 173.260210269717	-35.1100074685488, 173.260139911763	10
Commerce Street	Kaitaia	LEFT	-35.1101938647321, 173.260329877524	-35.1101317330057, 173.260266555508	9

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Commerce Street	Kaitaia	LEFT	-35.1105459465754, 173.260688704105	-35.1103664538834, 173.260505772886	26
Commerce Street	Kaitaia	LEFT	-35.1109946784176, 173.261146032926	-35.1106564028519, 173.260801277053	49
Commerce Street	Kaitaia	LEFT	-35.1114227017576, 173.2615822522	-35.1113605697998, 173.261518930473	9
Commerce Street	Kaitaia	LEFT	-35.111678133872, 173.261842580868	-35.1115193514977, 173.261680754806	23
Commerce Street	Kaitaia	LEFT	-35.1118299833198, 173.261997429192	-35.1117609677629, 173.26192703975	10
Commerce Street	Kaitaia	LEFT	-35.112016324935, 173.26218748007	-35.1119611124027, 173.262131168689	8
Commerce Street	Kaitaia	LEFT	-35.1123199911261, 173.262497194019	-35.1120784384387, 173.262250830189	35
Commerce Street	Kaitaia	LEFT	-35.1125063672947, 173.262687157305	-35.1124373005915, 173.262616841154	10
Commerce Street	Kaitaia	LEFT	-35.1127274297105, 173.262912079958	-35.1125892621519, 173.262771499579	20
Commerce Street	Kaitaia	LEFT	-35.1129000547253, 173.263087961107	-35.112817210782, 173.263003530565	12
Commerce Street	Kaitaia	LEFT	-35.1135285876965, 173.263545966555	-35.1134343739912, 173.263481567243	12
Commerce Street	Kaitaia	LEFT	-35.11368560956, 173.263653297241	-35.1136149500038, 173.263604998656	9
Commerce Street	Kaitaia	LEFT	-35.1141095691635, 173.263943094902	-35.1138818871965, 173.263787462003	29
Commerce Street	Kaitaia	LEFT	-35.1145883024521, 173.264270901934	-35.1144784344997, 173.264195665195	14
Commerce Street	Kaitaia	LEFT	-35.1150085632942, 173.264558697882	-35.1149179051077, 173.264496614462	12
Commerce Street	Kaitaia	LEFT	-35.1152164985396, 173.264699755816	-35.1151142303106, 173.264630432267	13
Commerce Street	Kaitaia	LEFT	-35.1155862384246, 173.264950385693	-35.1154525026139, 173.26485973137	17
Commerce Street	Kaitaia	LEFT	-35.1161290467391, 173.265318335284	-35.1160110446008, 173.265238346063	15
Commerce Street	Kaitaia	LEFT	-35.1165080557681, 173.265596598878	-35.116380783302, 173.265488980823	17
Commerce Street	Kaitaia	LEFT	-35.1166413829319, 173.265907487922	-35.1165695461925, 173.265730686495	18
Commerce Street	Kaitaia	LEFT	-35.116984536181, 173.266739970267	-35.1169428412086, 173.266638818123	10
Commerce Street	Kaitaia	LEFT	-35.1170769295107, 173.266965644413	-35.1170367789601, 173.26686755013	10
Commerce Street	Kaitaia	RIGHT	-35.110220146162, 173.260428226819	-35.1101787250496, 173.260386012068	6
Commerce Street	Kaitaia	RIGHT	-35.1103789275544, 173.260590050063	-35.1102822778022, 173.260491549025	14
Commerce Street	Kaitaia	RIGHT	-35.1107573326113, 173.260975705943	-35.1106343591571, 173.260850376689	18
Commerce Street	Kaitaia	RIGHT	-35.1109035986412, 173.261124775306	-35.1108483693181, 173.261068488401	8
Commerce Street	Kaitaia	RIGHT	-35.1111659355538, 173.261392135021	-35.111107063406, 173.261335848852	8
Commerce Street	Kaitaia	RIGHT	-35.1112625854391, 173.261490637093	-35.1112073571906, 173.261434350794	8
Commerce Street	Kaitaia	RIGHT	-35.1114558858975, 173.26168764084	-35.1113661399092, 173.261596174662	13
Commerce Street	Kaitaia	RIGHT	-35.1116215719991, 173.261856502095	-35.1115525364549, 173.261786142516	10
Commerce Street	Kaitaia	RIGHT	-35.1118976441394, 173.262138025869	-35.1118286286633, 173.262067637348	10
Commerce Street	Kaitaia	RIGHT	-35.1122358180926, 173.262482934847	-35.112152999946, 173.26239846728	12
Commerce Street	Kaitaia	RIGHT	-35.1124152570504, 173.262665949045	-35.1123600447466, 173.262609637067	8
Commerce Street	Kaitaia	RIGHT	-35.112574159176, 173.262827651886	-35.1125050753662, 173.262757361841	10
Commerce Street	Kaitaia	RIGHT	-35.1128711073511, 173.263130027041	-35.1127675533503, 173.263024488877	15
Commerce Street	Kaitaia	RIGHT	-35.1137184881945, 173.263738701941	-35.113577168232, 173.26364210357	18
Commerce Street	Kaitaia	RIGHT	-35.1142836758115, 173.264125255406	-35.1142051986377, 173.264071515199	10
Commerce Street	Kaitaia	RIGHT	-35.1146996035062, 173.264410081327	-35.1145112585708, 173.26428110259	24
Commerce Street	Kaitaia	RIGHT	-35.1152260263716, 173.264769022048	-35.1151237581828, 173.264699698404	13
Commerce Street	Kaitaia	RIGHT	-35.1155878994099, 173.265014319708	-35.1154698979603, 173.264934330364	15
Commerce Street	Kaitaia	RIGHT	-35.1161779085312, 173.265414265521	-35.1159812386786, 173.265280949972	25
Commerce Street	Kaitaia	RIGHT	-35.1165765077558, 173.265872443761	-35.1163195096802, 173.265510254209	45
Commerce Street	Kaitaia	RIGHT	-35.1168554054967, 173.266549071941	-35.1168109899405, 173.266441321138	11
Commerce Street	Kaitaia	RIGHT	-35.1172858197376, 173.267539602675	-35.1169883791775, 173.266872364763	69
Empire Street	Kaitaia	LEFT	-35.1113869710471, 173.264146767009	-35.1113402209788, 173.264214705933	8
Empire Street	Kaitaia	LEFT	-35.1115313982609, 173.26393653053	-35.1114451162997, 173.264062209094	15
Empire Street	Kaitaia	LEFT	-35.1123792393169, 173.262707637738	-35.1122539681622, 173.262893161536	22
Empire Street	Kaitaia	RIGHT	-35.111421538532, 173.264181993955	-35.1113747884442, 173.264249932887	8
Empire Street	Kaitaia	RIGHT	-35.1115487414417, 173.263996845664	-35.1114797163759, 173.26409738785	12
Empire Street	Kaitaia	RIGHT	-35.1124087582641, 173.262750860196	-35.11234414196236, 173.262853036203	12
Grigg Street	Kaitaia	LEFT	-35.1087050807087, 173.258588319449	-35.108712396937, 173.258248831727	31

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Kaitaia-Awaroa Road	Kaitaia	LEFT	-35.1232300555749, 173.256705077633	-35.1235956130169, 173.256321619649	54
Kaitaia-Awaroa Road	Kaitaia	RIGHT	-35.1232786903635, 173.256577990873	-35.1235657465173, 173.256280511789	42
Melba Street	Kaitaia	LEFT	-35.1133103992158, 173.265686246487	-35.1132708607517, 173.265772482022	9
Melba Street	Kaitaia	LEFT	-35.1134460286128, 173.265391413828	-35.1133761409281, 173.265543158215	16
Melba Street	Kaitaia	LEFT	-35.1134897092185, 173.265296574692	-35.1134678693758, 173.265343994274	5
Melba Street	Kaitaia	LEFT	-35.1135508606825, 173.265163798409	-35.1135333888508, 173.265201734354	4
Melba Street	Kaitaia	LEFT	-35.1140803575239, 173.264004101282	-35.11404019138, 173.264088853842	9
Melba Street	Kaitaia	RIGHT	-35.1134809910064, 173.265427725491	-35.1134154712668, 173.265569985137	15
Melba Street	Kaitaia	RIGHT	-35.11411195079177, 173.264031313401	-35.1140579489723, 173.264163787258	14
Norman Senn Avenue	Kaitaia	LEFT	-35.1223329160473, 173.258021264752	-35.1223606685785, 173.258089357945	7
Norman Senn Avenue	Kaitaia	RIGHT	-35.1223935004125, 173.257984685043	-35.1224212529638, 173.258052778275	7
Pukepoto Road	Kaitaia	LEFT	-35.1096466165905, 173.25865134509	-35.1099051323365, 173.258646556715	29
Pukepoto Road	Kaitaia	LEFT	-35.1118039366581, 173.25861329944	-35.1118928209478, 173.258617331048	10
Pukepoto Road	Kaitaia	LEFT	-35.1120261478328, 173.258623377382	-35.1121239213607, 173.258627811302	11
Pukepoto Road	Kaitaia	LEFT	-35.1149071357473, 173.25772916103	-35.1163096671646, 173.257701129147	158
Pukepoto Road	Kaitaia	LEFT	-35.1163020483149, 173.257699095777	-35.1165793098643, 173.257773104544	31
Pukepoto Road	Kaitaia	LEFT	-35.1206658865778, 173.257527626105	-35.1207957546732, 173.257495729343	15
Pukepoto Road	Kaitaia	LEFT	-35.1221773728255, 173.257149969004	-35.1231545244063, 173.256749858478	115
Pukepoto Road	Kaitaia	LEFT	-35.1225141033334, 173.25705680097	-35.1231807242769, 173.256734809266	80
Pukepoto Road	Kaitaia	RIGHT	-35.1088871774632, 173.258614678412	-35.1090454259861, 173.258556185073	18
Pukepoto Road	Kaitaia	RIGHT	-35.109655164216, 173.258596313432	-35.1099229121811, 173.258591354332	30
Pukepoto Road	Kaitaia	RIGHT	-35.1104170553244, 173.258582122943	-35.110568245559, 173.258579220713	17
Pukepoto Road	Kaitaia	RIGHT	-35.1106749681304, 173.258577171106	-35.1107461162073, 173.258575805795	8
Pukepoto Road	Kaitaia	RIGHT	-35.1120100499025, 173.25856774173	-35.1121344884496, 173.258573384616	14
Pukepoto Road	Kaitaia	RIGHT	-35.112253500071, 173.258589757993	-35.1123319726444, 173.258612154092	9
Pukepoto Road	Kaitaia	RIGHT	-35.1128604333505, 173.25874113799	-35.1129498929258, 173.258736717424	10
Pukepoto Road	Kaitaia	RIGHT	-35.1131214392323, 173.258698038267	-35.1132432536051, 173.258661906833	14
Pukepoto Road	Kaitaia	RIGHT	-35.1133634005788, 173.258626244093	-35.1134484401897, 173.258592518052	10
Pukepoto Road	Kaitaia	RIGHT	-35.1138915358274, 173.258348435235	-35.1139695300803, 173.258294868681	10
Pukepoto Road	Kaitaia	RIGHT	-35.1208517690541, 173.257425990467	-35.1209630844112, 173.257398650036	13
Pukepoto Road	Kaitaia	RIGHT	-35.1222319729726, 173.257078587902	-35.1231352821534, 173.256700232193	106
Pukepoto Road	Kaitaia	RIGHT	-35.1222781123515, 173.257065821854	-35.123161482018, 173.256685182969	104
Redan Road	Kaitaia	LEFT	-35.1165851764774, 173.265587176451	-35.1167429534174, 173.265404939359	24
Redan Road	Kaitaia	LEFT	-35.1169284448044, 173.26518095845	-35.1169732182147, 173.26512689375	7
Redan Road	Kaitaia	LEFT	-35.117056369282, 173.265026489135	-35.117094746046, 173.264980148134	6
Redan Road	Kaitaia	LEFT	-35.1206976178957, 173.260224017658	-35.1209066594667, 173.259938414854	35
Redan Road	Kaitaia	LEFT	-35.1210307781683, 173.259768839422	-35.1210895721977, 173.259688514502	10
Redan Road	Kaitaia	LEFT	-35.1212136923527, 173.259518938316	-35.1212594208182, 173.259456462865	8
Redan Road	Kaitaia	LEFT	-35.1213704752701, 173.259304736949	-35.1214031382559, 173.259260111149	5
Redan Road	Kaitaia	LEFT	-35.1215207246869, 173.259099458631	-35.1216056480373, 173.258983431708	14
Redan Road	Kaitaia	LEFT	-35.1216579084377, 173.258912029561	-35.1217167009969, 173.258831703407	10
Redan Road	Kaitaia	LEFT	-35.1218342868616, 173.25867104856	-35.1220302613223, 173.258403291279	33
Redan Road	Kaitaia	LEFT	-35.1221936531083, 173.25818004882	-35.1223624659247, 173.257946926375	28
Redan Road	Kaitaia	LEFT	-35.1223631180711, 173.257945984578	-35.1225189792198, 173.25771020941	28
Redan Road	Kaitaia	LEFT	-35.1226124964088, 173.257568744538	-35.1232311250322, 173.256703793604	105
Redan Road	Kaitaia	RIGHT	-35.1165080557681, 173.265596598878	-35.1167048031407, 173.265373710169	30
Redan Road	Kaitaia	RIGHT	-35.120598276374, 173.260276328067	-35.120866479267, 173.259910812827	45
Redan Road	Kaitaia	RIGHT	-35.1217875560983, 173.258652398156	-35.1218528806711, 173.258563145541	11
Taffe Street	Kaitaia	LEFT	-35.1127977041081, 173.262933962371	-35.1128370989293, 173.262877278904	7
Taffe Street	Kaitaia	LEFT	-35.1130824562174, 173.262509449795	-35.1131451025606, 173.262416174845	11
Taffe Street	Kaitaia	LEFT	-35.1133169257732, 173.262162930976	-35.1133570342441, 173.262103816168	7

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Taffe Street	Kaitaia	LEFT	-35.1134945956654, 173.261901139672	-35.1135289742477, 173.261850469306	6
Taffe Street	Kaitaia	RIGHT	-35.1127631172683, 173.262898764923	-35.1128664399648, 173.26274675362	18
Taffe Street	Kaitaia	RIGHT	-35.112922874878, 173.262662050524	-35.1130191632763, 173.262517372886	17
Taffe Street	Kaitaia	RIGHT	-35.1130702525476, 173.26244061162	-35.1131331624762, 173.262347598652	11
Taffe Street	Kaitaia	RIGHT	-35.1131618331653, 173.262305340475	-35.1132993480444, 173.262102660261	24
Taffe Street	Kaitaia	RIGHT	-35.1133738351283, 173.261992875226	-35.1135056197275, 173.261798638662	23
Te Reinga Street	Kaitaia	LEFT	-35.1100028964791, 173.260071979738	-35.1100258787818, 173.260038749655	4
Ward Street	Kaitaia	RIGHT	-35.1106329793608, 173.261698940923	-35.1110224307503, 173.262095367289	56
Ward Street	Kaitaia	RIGHT	-35.111212262855, 173.262292901762	-35.1113220892725, 173.262591966845	31
Albert Street	Kawakawa	LEFT	-35.379978867041, 174.065789344627	-35.3812782095952, 174.065862815733	150
Commercial Street	Kawakawa	RIGHT	-35.3799317482381, 174.068635819184	-35.3802240144126, 174.0685163248	34
Derrick Road	Kawakawa	LEFT	-35.3787905167684, 174.077154907649	-35.3788569951422, 174.076726442932	40
Derrick Road	Kawakawa	LEFT	-35.3788895335667, 174.076597417645	-35.3789332164635, 174.076424124254	16
Derrick Road Extension	Kawakawa	LEFT	-35.3786525368355, 174.076912985687	-35.3787527788468, 174.077055897234	17
Gillies Street (East)	Kawakawa	LEFT	-35.37961092141, 174.068972630024	-35.379577236844, 174.069012005783	5
Gillies Street (East)	Kawakawa	LEFT	-35.3798324581859, 174.068711980363	-35.379691682133, 174.068878224968	22
Gillies Street (East)	Kawakawa	RIGHT	-35.3798655181645, 174.068749419361	-35.3797490416645, 174.06888737495	18
Gillies Street (West)	Kawakawa	LEFT	-35.3799614322401, 174.065236246075	-35.3800614423774, 174.065252015863	11
Gillies Street (West)	Kawakawa	RIGHT	-35.3799492320112, 174.065109764952	-35.380049242168, 174.065125534581	11
Vogel Street	Kawakawa	LEFT	-35.3803431479031, 174.069647174565	-35.3804347232333, 174.069612363231	11
Vogel Street	Kawakawa	RIGHT	-35.3803297478438, 174.069594620058	-35.3806127949794, 174.069487022464	33
Wynard Street	Kawakawa	LEFT	-35.3802048079847, 174.067202328057	-35.3805919414211, 174.067246519474	43
Wynard Street	Kawakawa	RIGHT	-35.3802090032063, 174.067147524263	-35.380596136667, 174.067191715422	43
Augusta Place	Kerikeri	LEFT	-35.2260942565364, 173.94794784172	-35.2258732942387, 173.948128041987	29
Augusta Place	Kerikeri	RIGHT	-35.22611932782, 173.947993500506	-35.226048049168, 173.948051630233	10
Butler Road	Kerikeri	LEFT	-35.2293771452759, 173.947075899239	-35.2293044592417, 173.946965821092	13
Cannon Drive	Kerikeri	LEFT	-35.2305323191194, 173.94629524958	-35.230657083304, 173.946473143169	21
Cannon Drive	Kerikeri	RIGHT	-35.2305664198355, 173.946259314471	-35.2306181467482, 173.946331394986	9
Cobham Road	Kerikeri	LEFT	-35.2277025018202, 173.948784010554	-35.2278429925403, 173.949040042207	28
Cobham Road	Kerikeri	LEFT	-35.2287543754163, 173.950586220272	-35.2288960978461, 173.950766683465	23
Cobham Road	Kerikeri	LEFT	-35.228897629441, 173.950769711189	-35.2289576434145, 173.950970132311	20
Cobham Road	Kerikeri	LEFT	-35.2296421926393, 173.951788493589	-35.2297872169133, 173.9519375467	21
Cobham Road	Kerikeri	LEFT	-35.2306436692454, 173.952820089989	-35.2312569423146, 173.953460009348	90
Cobham Road	Kerikeri	RIGHT	-35.2278232302415, 173.948905192284	-35.2279689265147, 173.949170705822	29
Cobham Road	Kerikeri	RIGHT	-35.2281867115217, 173.949540699846	-35.2283739288432, 173.949856459183	35
Cobham Road	Kerikeri	RIGHT	-35.2290068162521, 173.950637897405	-35.2293060575588, 173.951371192293	78
Cobham Road	Kerikeri	RIGHT	-35.2296712554576, 173.951746492464	-35.2298162797826, 173.951895545556	21
Cobham Road	Kerikeri	RIGHT	-35.2306729882139, 173.952778353265	-35.2307615725643, 173.952870785663	13
Cobham Road	Kerikeri	RIGHT	-35.2308842268667, 173.952998768801	-35.2312862615022, 173.95341827255	59
Cobham Road	Kerikeri	RIGHT	-35.2313271174548, 173.953460905197	-35.2318971615731, 173.95405374507	83
Cobham Road	Kerikeri	RIGHT	-35.2320070565078, 173.95416610615	-35.2326010024713, 173.954806325546	88
Fairway Drive	Kerikeri	LEFT	-35.2264736584809, 173.948452629759	-35.2263591919332, 173.948261435371	22
Fairway Drive	Kerikeri	LEFT	-35.2266464156245, 173.948746465154	-35.2266316931984, 173.948721499131	3
Fairway Drive	Kerikeri	LEFT	-35.2268219655146, 173.949047302191	-35.2267666315152, 173.94895189764	11
Fairway Drive	Kerikeri	LEFT	-35.2269452674748, 173.949193727437	-35.2268219655146, 173.949047302191	19
Fairway Drive	Kerikeri	RIGHT	-35.2263757191636, 173.948383245618	-35.226203814188, 173.948072706142	34
Golf View Road	Kerikeri	LEFT	-35.2233099550036, 173.946238312731	-35.2231248907333, 173.945986390272	31
Hobson Avenue	Kerikeri	LEFT	-35.2290440014767, 173.949969556281	-35.2290189526765, 173.950160995356	18
Hobson Avenue	Kerikeri	LEFT	-35.2292061533507, 173.948730231672	-35.229157377229, 173.949103037729	34
Hobson Avenue	Kerikeri	LEFT	-35.2292786546614, 173.948176061782	-35.2292588818206, 173.948327199927	14
Hobson Avenue	Kerikeri	LEFT	-35.2293121418244, 173.947474466657	-35.2293056137878, 173.947784266883	29

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Hobson Avenue	Kerikeri	RIGHT	-35.2291241168024, 173.949706162798	-35.22910697799, 173.949837147627	12
Hobson Avenue	Kerikeri	RIGHT	-35.2292124427688, 173.949031081794	-35.2292058514827, 173.949081461799	5
Hobson Avenue	Kerikeri	RIGHT	-35.2292322173776, 173.948879945035	-35.2292256261627, 173.948930323967	5
Hobson Avenue	Kerikeri	RIGHT	-35.2294707235476, 173.947250643235	-35.2292717651308, 173.948577671274	123
Homestead Road	Kerikeri	LEFT	-35.2271078096224, 173.947156441981	-35.2269632208406, 173.947299763139	21
Homestead Road	Kerikeri	LEFT	-35.2275360836155, 173.946971212572	-35.2273485153004, 173.946939349358	23
Homestead Road	Kerikeri	LEFT	-35.2279196162452, 173.947539839663	-35.2277250865118, 173.947234114201	35
Homestead Road	Kerikeri	RIGHT	-35.2264245167144, 173.947898839093	-35.2263056208314, 173.948069236787	21
Homestead Road	Kerikeri	RIGHT	-35.2275545904673, 173.947067084323	-35.227274383319, 173.947063521486	36
Hone Heke Road	Kerikeri	LEFT	-35.2280653027578, 173.95632443142	-35.2282126252866, 173.956199808954	20
Hone Heke Road	Kerikeri	LEFT	-35.2284925383895, 173.955963023726	-35.2286398605654, 173.955838398865	20
Hone Heke Road	Kerikeri	LEFT	-35.2286914233422, 173.955794780113	-35.2287577185735, 173.955738699097	9
Hone Heke Road	Kerikeri	LEFT	-35.2312161001788, 173.95359680738	-35.231288927376, 173.95353518163	10
Hone Heke Road	Kerikeri	RIGHT	-35.227951204158, 173.956354071989	-35.2283637073804, 173.956005127051	56
Hone Heke Road	Kerikeri	RIGHT	-35.2285478599102, 173.955849345963	-35.2286288876402, 173.955780802906	11
Hone Heke Road	Kerikeri	RIGHT	-35.2291887109008, 173.955307225555	-35.2292623712211, 173.955244912606	10
Hone Heke Road	Kerikeri	RIGHT	-35.2293286662048, 173.955188830755	-35.2298901319778, 173.954683793159	77
Hone Heke Road	Kerikeri	RIGHT	-35.2299906395916, 173.954591125448	-35.2300917876609, 173.954503445247	14
Hone Heke Road	Kerikeri	RIGHT	-35.2312268034826, 173.953520862122	-35.231263217517, 173.953490049228	5
Kerikeri Road	Kerikeri	LEFT	-35.2176429236693, 173.960783307171	-35.2177648182087, 173.961369723521	55
Kerikeri Road	Kerikeri	LEFT	-35.217829821575, 173.961752014782	-35.2179651997665, 173.963037854139	139
Kerikeri Road	Kerikeri	LEFT	-35.2224746005166, 173.953229953289	-35.2219842718099, 173.953450721576	61
Kerikeri Road	Kerikeri	LEFT	-35.2236874719303, 173.952090135694	-35.2235401309388, 173.952219004524	20
Kerikeri Road	Kerikeri	LEFT	-35.2242729489876, 173.951586620554	-35.2241692248317, 173.951675824168	14
Kerikeri Road	Kerikeri	LEFT	-35.2245174328286, 173.951376361357	-35.2244063038563, 173.951471933575	15
Kerikeri Road	Kerikeri	LEFT	-35.2246730268956, 173.95124254657	-35.2245693066099, 173.951331748899	14
Kerikeri Road	Kerikeri	LEFT	-35.2248665650109, 173.951076885133	-35.2248063814474, 173.951127858473	8
Kerikeri Road	Kerikeri	LEFT	-35.2250804979111, 173.95089210862	-35.2249545530535, 173.951000426084	17
Kerikeri Road	Kerikeri	LEFT	-35.2255101926928, 173.950522552692	-35.2251694007422, 173.950815649171	46
Kerikeri Road	Kerikeri	LEFT	-35.2257621727993, 173.950310706533	-35.225577100987, 173.950465372297	25
Kerikeri Road	Kerikeri	LEFT	-35.2259990677877, 173.950112738607	-35.225917634992, 173.950180791479	11
Kerikeri Road	Kerikeri	LEFT	-35.2262803787368, 173.949877647105	-35.2261249168346, 173.950007566603	21
Kerikeri Road	Kerikeri	LEFT	-35.2264876592561, 173.949704420687	-35.2264654507034, 173.949722980899	3
Kerikeri Road	Kerikeri	LEFT	-35.2269098212046, 173.949352029817	-35.2267986203829, 173.949444550776	15
Kerikeri Road	Kerikeri	LEFT	-35.2279529506697, 173.948422448922	-35.227841762419, 173.948524272231	15
Kerikeri Road	Kerikeri	LEFT	-35.2281143933685, 173.948287129518	-35.2280989551947, 173.948299649611	2
Kerikeri Road	Kerikeri	LEFT	-35.2282450654879, 173.948180022461	-35.2281451499197, 173.948262187924	13
Kerikeri Road	Kerikeri	LEFT	-35.2385001885857, 173.939351184151	-35.2375444147025, 173.940160516732	129
Kerikeri Road	Kerikeri	LEFT	-35.2396020832848, 173.938425670151	-35.238582613566, 173.939281953346	137
Kerikeri Road	Kerikeri	RIGHT	-35.2176856345692, 173.960765729713	-35.2179292990071, 173.962086432684	123
Kerikeri Road	Kerikeri	RIGHT	-35.2229402720091, 173.952849603228	-35.2220317055508, 173.953624983908	123
Kerikeri Road	Kerikeri	RIGHT	-35.2251434065211, 173.950904952858	-35.2248173480981, 173.951185162051	44
Kerikeri Road	Kerikeri	RIGHT	-35.2255213384337, 173.950580165355	-35.2252545626276, 173.950809427686	36
Kerikeri Road	Kerikeri	RIGHT	-35.2260615776234, 173.950127116147	-35.2255877899565, 173.950523055493	64
Kerikeri Road	Kerikeri	RIGHT	-35.226387306637, 173.949854906441	-35.2262318465444, 173.949984828367	21
Kerikeri Road	Kerikeri	RIGHT	-35.2266908309598, 173.949601263713	-35.2266019941323, 173.94967549927	12
Kerikeri Road	Kerikeri	RIGHT	-35.2278830356633, 173.948553578301	-35.2277413771094, 173.948681645978	20
Kerikeri Road	Kerikeri	RIGHT	-35.2279872875726, 173.948459327931	-35.2278830356633, 173.948553578301	14
Kerikeri Road	Kerikeri	RIGHT	-35.2281466601894, 173.948325836067	-35.2279872875726, 173.948459327931	21
Kerikeri Road	Kerikeri	RIGHT	-35.2293094649066, 173.947462469672	-35.2290205207318, 173.947579844271	37
Kerikeri Road	Kerikeri	RIGHT	-35.2381815594083, 173.939685534123	-35.2373837854566, 173.940364180074	108

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Kerikeri Road	Kerikeri	RIGHT	-35.2444463468338, 173.936472164912	-35.2282623696488, 173.939647899779	766
Lanark Road	Kerikeri	LEFT	-35.2297645773516, 173.955455709209	-35.2298702339025, 173.955857919461	39
Lanark Road	Kerikeri	LEFT	-35.2298215200999, 173.956361232361	-35.229744265064, 173.95657599678	21
Lanark Road	Kerikeri	LEFT	-35.2298786924906, 173.956071971447	-35.2298355430788, 173.95631281454	23
Lanark Road	Kerikeri	RIGHT	-35.2298061990386, 173.955434601629	-35.229904377281, 173.955802436417	35
Lanark Road	Kerikeri	RIGHT	-35.2298153090434, 173.956520915396	-35.2298047354369, 173.956550206642	3
Lanark Road	Kerikeri	RIGHT	-35.2299249848267, 173.956042884882	-35.2298329329046, 173.956472097015	41
Landing Road	Kerikeri	LEFT	-35.2145898247656, 173.962521649364	-35.2126519704325, 173.961810205842	236
Landing Road	Kerikeri	LEFT	-35.2162078403781, 173.963620913879	-35.2147811315633, 173.962634754173	192
Landing Road	Kerikeri	LEFT	-35.2165781099487, 173.963412783253	-35.2163959598391, 173.963555918795	24
Landing Road	Kerikeri	RIGHT	-35.2147816839367, 173.96269852357	-35.2125710908242, 173.961893261427	269
Landing Road	Kerikeri	RIGHT	-35.2166027861315, 173.963458755286	-35.2149088382752, 173.962816204599	223
Oripiro Road	Kerikeri	LEFT	-35.2299601893232, 173.954584272032	-35.2294901275884, 173.9537698737	91
Oripiro Road	Kerikeri	RIGHT	-35.2299233160704, 173.95461588407	-35.2294532545426, 173.953801485935	91
Riverview Road	Kerikeri	LEFT	-35.2072450899342, 173.968497714778	-35.2073686022956, 173.96924059889	69
Waimate North Road	Kerikeri	RIGHT	-35.241975341307, 173.915828800981	-35.2423355197778, 173.915515689969	49
Waimate North Road	Kerikeri	RIGHT	-35.2424898817356, 173.915381499007	-35.242658944534, 173.915234527791	23
Waimate North Road	Kerikeri	RIGHT	-35.2427765533055, 173.915132285249	-35.2428280071667, 173.915087554869	7
Waimate North Road	Kerikeri	RIGHT	-35.2429162138796, 173.915010873776	-35.2431881846707, 173.914774437353	37
Beach Road	Kohukohu	RIGHT	-35.3599142180533, 173.545475384189	-35.3598520753707, 173.545315744417	16
Kohukohu Road	Kohukohu	LEFT	-35.3574978586455, 173.54561565184	-35.3575770567664, 173.545636178155	9
Kohukohu Road	Kohukohu	RIGHT	-35.3565187125472, 173.545705790417	-35.3567478769167, 173.545617035777	27
Kohukohu Road	Kohukohu	RIGHT	-35.3570188660281, 173.545518179457	-35.3570634714795, 173.545511103956	5
Kohukohu Road	Kohukohu	RIGHT	-35.3573575332272, 173.545523390477	-35.3575423860702, 173.54557093315	21
Beach Road	Mangonui	LEFT	-34.9885094450372, 173.53247409872	-34.9889620260958, 173.534621685241	202
Beach Road	Mangonui	LEFT	-34.9889824527425, 173.534817485059	-34.9889817021813, 173.534849899962	3
Silver Egg Road	Mangonui	LEFT	-34.9876842621958, 173.527451706098	-34.9876563462047, 173.527430982853	4
Waterfront Road	Mangonui	LEFT	-34.9903490355088, 173.53695814572	-34.9906836769625, 173.536756528643	42
Waterfront Road	Mangonui	LEFT	-34.9910504464415, 173.536499690766	-34.9922159590505, 173.53641827614	131
Waterfront Road	Mangonui	RIGHT	-34.9889720262798, 173.535670565427	-34.9890733569125, 173.535832548873	19
Waterfront Road	Mangonui	RIGHT	-34.9894173766284, 173.536522920299	-34.9897127112571, 173.536827019747	46
Waterfront Road	Mangonui	RIGHT	-34.9901814766887, 173.536867792798	-34.9904966337501, 173.536852510681	35
Waterfront Road	Mangonui	RIGHT	-34.9909943756006, 173.53646322047	-34.9911064991277, 173.536400888074	14
Waterfront Road	Mangonui	RIGHT	-34.9912498425024, 173.536369961375	-34.9912931725436, 173.536360158867	5
Waterfront Road	Mangonui	RIGHT	-34.9916056452814, 173.536337065323	-34.991649715723, 173.536337041612	5
Marshall Street	Moerewa	LEFT	-35.3879908343123, 174.013445305358	-35.3879163277415, 174.013405382338	9
Marshall Street	Moerewa	RIGHT	-35.3879727212408, 174.013495715402	-35.3878899360819, 174.013451356208	10
Pembroke Street	Moerewa	LEFT	-35.3881472352052, 174.013622004385	-35.3882903858086, 174.013735793308	19
Pembroke Street	Moerewa	RIGHT	-35.3881718277183, 174.013575868085	-35.3883149783654, 174.013689656964	19
Plunket Street	Moerewa	RIGHT	-35.3876608953932, 174.014766657938	-35.3877190342103, 174.014818153681	8
Hobson Road	Ohaewai	LEFT	-35.3518622616864, 173.882437520359	-35.3519360356025, 173.88248389486	9
Hobson Road	Ohaewai	RIGHT	-35.3518829025081, 173.882388600506	-35.3519894652496, 173.88245558637	13
Lawn Street	Okaihau	LEFT	-35.3214042155555, 173.769402582188	-35.3214406205308, 173.769432323273	5
Lawn Street	Okaihau	RIGHT	-35.3214292968956, 173.769356875043	-35.3215093878628, 173.769422304341	11
Settlers Way	Okaihau	LEFT	-35.321342267633, 173.769443475594	-35.3213750066355, 173.769387885727	6
Settlers Way	Okaihau	LEFT	-35.3214220471065, 173.769304785448	-35.3214523546693, 173.769250120777	6
Settlers Way	Okaihau	LEFT	-35.3216999004377, 173.768803612027	-35.3217251171872, 173.768758128045	5
Settlers Way	Okaihau	LEFT	-35.3235542509468, 173.765407125751	-35.3237130518789, 173.765113257134	32
Settlers Way	Okaihau	RIGHT	-35.3211528768738, 173.769670797008	-35.3212674622829, 173.769476232492	22
Settlers Way	Okaihau	RIGHT	-35.3214352189939, 173.769182856593	-35.3214705770081, 173.769119079784	7
Settlers Way	Okaihau	RIGHT	-35.3215766517464, 173.768927750131	-35.32169282802, 173.768718199019	23

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Settlers Way	Okaihau	RIGHT	-35.323556314293, 173.765303378942	-35.3236406770135, 173.765147261955	17
Baffin Street	Opuia	LEFT	-35.3131723749227, 174.121210500993	-35.3136073987685, 174.120980637053	53
Baffin Street (West Ext)	Opuia	LEFT	-35.3127849320854, 174.121204195419	-35.3131108261728, 174.12122811291	37
Baffin Street (West Ext)	Opuia	LEFT	-35.315473252333, 174.118942479398	-35.3155889313186, 174.118864293557	15
Baffin Street (West Ext)	Opuia	RIGHT	-35.3128505538786, 174.121143762727	-35.3129451475509, 174.121169731434	11
Beechey Street	Opuia	LEFT	-35.3125748669097, 174.120611227672	-35.3133592082071, 174.118217373663	248
Beechey Street	Opuia	RIGHT	-35.3126657785724, 174.120370298915	-35.3133193057576, 174.118277760558	215
Franklin Street	Opuia	LEFT	-35.3127192431501, 174.120669082854	-35.3126924542111, 174.120813277679	13
Franklin Street	Opuia	LEFT	-35.3130056594751, 174.11286223262	-35.3142670895486, 174.117220042331	431
Franklin Street	Opuia	LEFT	-35.3142837992205, 174.117378349907	-35.3128337567254, 174.120450774131	345
Franklin Street	Opuia	RIGHT	-35.3130683044499, 174.112903877985	-35.3130678452419, 174.112944461969	4
Franklin Street	Opuia	RIGHT	-35.3131920941324, 174.113344231113	-35.3135463280068, 174.114036105162	75
Franklin Street	Opuia	RIGHT	-35.3136051950125, 174.114122434197	-35.3143821839892, 174.117979522489	369
Franklin Street	Opuia	RIGHT	-35.3143526079644, 174.118236193294	-35.3127549131029, 174.120824312243	305
Richardson Street	Opuia	LEFT	-35.3133349265491, 174.11751437804	-35.3103362698527, 174.115908636765	463
Richardson Street	Opuia	RIGHT	-35.3115173760085, 174.115826339913	-35.3112336384304, 174.11590336411	46
Richardson Street	Opuia	RIGHT	-35.3119158806646, 174.116361985091	-35.3116582397396, 174.116072870204	40
Bayview Road	Paihia	LEFT	-35.2799609922097, 174.089911734047	-35.2802505936699, 174.089596538288	43
Bayview Road	Paihia	LEFT	-35.2806075429866, 174.089208037722	-35.280688363445, 174.089120077809	12
Bayview Road	Paihia	RIGHT	-35.2800117944938, 174.08978275655	-35.2800454694173, 174.089746106281	5
Bayview Road	Paihia	RIGHT	-35.2806706973971, 174.089065708222	-35.2809191222827, 174.088755392931	39
Bayview Road	Paihia	RIGHT	-35.2809677576659, 174.088694930654	-35.2817660925776, 174.087917589469	129
Bedgood Close	Paihia	LEFT	-35.2868172422953, 174.095016108797	-35.2872033128974, 174.094683404433	83
Binnie Street	Paihia	LEFT	-35.2908088596974, 174.096028884925	-35.2910837942951, 174.098755194951	290
Binnie Street	Paihia	RIGHT	-35.290830417426, 174.095980597018	-35.2911014231344, 174.09870459132	289
Davis Crescent	Paihia	LEFT	-35.2789056690156, 174.086512854961	-35.2790751087731, 174.086418064286	21
Davis Crescent	Paihia	RIGHT	-35.2788868730516, 174.08646288672	-35.279056312772, 174.086368095962	21
Macmurray Road	Paihia	LEFT	-35.286846172981, 174.095221596085	-35.2867810457172, 174.095073870023	15
Macmurray Road	Paihia	RIGHT	-35.286806468551, 174.095247633352	-35.2867413413176, 174.095099907343	15
Selwyn Road	Paihia	LEFT	-35.2806998149205, 174.089144450332	-35.2810286930341, 174.089599436756	55
Selwyn Road	Paihia	LEFT	-35.2820180860106, 174.090980162836	-35.2820994252449, 174.09105895215	12
Selwyn Road	Paihia	RIGHT	-35.2807336312503, 174.089108096073	-35.2808352853153, 174.089248727152	17
Tau Henare Drive	Paihia	LEFT	-35.270004984076, 174.079933906141	-35.2660029908327, 174.079986332425	499
Tau Henare Drive	Paihia	LEFT	-35.2706360608106, 174.079662457885	-35.2701740600738, 174.079848713568	55
Tau Henare Drive	Paihia	RIGHT	-35.2677384346148, 174.080156503962	-35.266807978838, 174.079717150733	119
Tau Henare Drive	Paihia	RIGHT	-35.2693969445212, 174.080093894543	-35.2679487163879, 174.08015582229	161
Tau Henare Drive	Paihia	RIGHT	-35.2700194705644, 174.07998595848	-35.2695555133495, 174.080082973471	53
Tau Henare Drive	Paihia	RIGHT	-35.2706380267815, 174.079717374484	-35.2703071948171, 174.079834089041	39
Te Karuwha Parade	Paihia	LEFT	-35.2728045645388, 174.079622985092	-35.2722228788381, 174.079618426004	65
Te Karuwha Parade	Paihia	LEFT	-35.2734044551662, 174.079779203415	-35.2729324814876, 174.079638251112	54
Te Karuwha Parade	Paihia	LEFT	-35.2774403111769, 174.082798738554	-35.2734508899618, 174.079795888548	530
Te Karuwha Parade	Paihia	RIGHT	-35.2728023884201, 174.079677892166	-35.2722229598976, 174.079673395623	64
Te Karuwha Parade	Paihia	RIGHT	-35.2762436250485, 174.081485917444	-35.2733081467115, 174.079801892602	363
Te Karuwha Parade	Paihia	RIGHT	-35.2774064343644, 174.082835007459	-35.2770404554389, 174.082300696324	63
Williams Road	Paihia	LEFT	-35.282665536569, 174.090545297487	-35.2827184335186, 174.090490791515	8
Williams Road	Paihia	LEFT	-35.2828713493201, 174.090332258318	-35.2828059120386, 174.090400099455	10
Williams Road	Paihia	LEFT	-35.2836873456927, 174.089445950846	-35.2838004967896, 174.089291200484	19
Williams Road	Paihia	LEFT	-35.2838729312473, 174.089191006109	-35.2839158459122, 174.08913164302	7
Williams Road	Paihia	LEFT	-35.284009907853, 174.089002728985	-35.2844693190056, 174.088722753556	62
Williams Road	Paihia	RIGHT	-35.2816246226679, 174.091621241512	-35.2817073737706, 174.091529452613	12
Clendon Esplanade	Rawene	LEFT	-35.3925556383772, 173.505175073549	-35.3925648485158, 173.505204292509	3

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Clendon Esplanade	Rawene	LEFT	-35.3927665613707, 173.505317410259	-35.3940920162917, 173.505796422422	153
Clendon Esplanade	Rawene	LEFT	-35.394124929768, 173.50581028126	-35.3941673501356, 173.505828100899	5
Clendon Esplanade	Rawene	LEFT	-35.3947703378597, 173.505859806531	-35.3951101275522, 173.505825707685	38
Clendon Esplanade	Rawene	RIGHT	-35.3930194046575, 173.505356977142	-35.3951064350202, 173.505770835063	238
Parnell Street	Rawene	LEFT	-35.3972484922077, 173.503746827165	-35.3961027609513, 173.504066334782	130
Parnell Street	Rawene	LEFT	-35.4053089733899, 173.506591097373	-35.4047290954142, 173.506298638361	70
Parnell Street	Rawene	RIGHT	-35.3927015421577, 173.505133381343	-35.3926509390761, 173.505148101885	6
Parnell Street	Rawene	RIGHT	-35.3927858809213, 173.505108847433	-35.3927437115402, 173.505121114394	5
Parnell Street	Rawene	RIGHT	-35.3929292573493, 173.505067139236	-35.3928786533753, 173.505081859854	6
Parnell Street	Rawene	RIGHT	-35.3931316696223, 173.505008255459	-35.3930726328636, 173.505025429787	7
Parnell Street	Rawene	RIGHT	-35.3934858928158, 173.504905210094	-35.3933931204072, 173.504932198069	11
Parnell Street	Rawene	RIGHT	-35.3980222352685, 173.503769291207	-35.3938822843504, 173.504789896554	470
Russell Esplanade	Rawene	LEFT	-35.3925255136179, 173.504730646987	-35.3925458175645, 173.504638904206	9
Russell Esplanade	Rawene	LEFT	-35.3925652645567, 173.505116441654	-35.3924509338152, 173.505145190818	13
Russell Esplanade	Rawene	RIGHT	-35.392414294793, 173.50501351385	-35.3924642852788, 173.504796290926	20
Russell Esplanade	Rawene	RIGHT	-35.3924695543087, 173.50519672026	-35.3924219165692, 173.505208698661	5
Russell Esplanade	Rawene	RIGHT	-35.3924972194069, 173.504647474439	-35.3925175241921, 173.504555731674	9
Manawaora Road	Rawhiti	LEFT	-35.2578367742148, 174.241206025007	-35.2569974211527, 174.244428522749	315
Manawaora Road	Rawhiti	RIGHT	-35.2576253936, 174.243126463565	-35.2570337800379, 174.244461699393	139
Manawaora Road	Rawhiti	RIGHT	-35.2578885416644, 174.241218934639	-35.2577605189077, 174.242481828796	117
Ashby Street	Russell	LEFT	-35.2626333826238, 174.125142219459	-35.2629564409701, 174.125090714447	36
Ashby Street	Russell	RIGHT	-35.2627898132436, 174.125044447848	-35.2629640209208, 174.125036534414	19
Baker Street	Russell	LEFT	-35.2615452512955, 174.124555957346	-35.2618141272271, 174.124470453261	31
Baker Street	Russell	LEFT	-35.2620202487614, 174.124404904919	-35.2624055755535, 174.124282368545	44
Baker Street	Russell	LEFT	-35.2628354263054, 174.124145579859	-35.2629792876686, 174.124102392236	16
Baker Street	Russell	RIGHT	-35.2618118190673, 174.124415245775	-35.2620268202968, 174.124346462653	25
Cass Street	Russell	LEFT	-35.261737704645, 174.122061658535	-35.2617593430905, 174.121963675043	9
Chapel Street	Russell	LEFT	-35.2614772231442, 174.12504580457	-35.2614981447984, 174.125393768679	32
Chapel Street	Russell	RIGHT	-35.2614978303713, 174.124600257255	-35.2614926982283, 174.124739248833	13
Chapel Street	Russell	RIGHT	-35.2615305297416, 174.125126826127	-35.2615432227516, 174.125393464158	24
Chapel Street	Russell	RIGHT	-35.2617238723269, 174.12326647055	-35.2617090895346, 174.123369246718	9
Church Street	Russell	LEFT	-35.2617460612358, 174.123254883325	-35.2618585640995, 174.123286459317	13
Church Street	Russell	LEFT	-35.2620941726181, 174.123321216361	-35.2621996353448, 174.123302591809	12
Gould Street	Russell	LEFT	-35.2620390508979, 174.126164004651	-35.2615813527982, 174.126218223797	51
Gould Street	Russell	RIGHT	-35.262041571433, 174.126218879977	-35.2616004492448, 174.126269024394	49
Hazard Street	Russell	LEFT	-35.2630744057789, 174.125197589519	-35.2631215155404, 174.125385401792	18
Hazard Street	Russell	RIGHT	-35.263015595945, 174.125055351104	-35.2631452798968, 174.125271052644	25
Kent Street	Russell	LEFT	-35.2595959144807, 174.121072502817	-35.2598038130972, 174.120726865109	39
Kent Street	Russell	RIGHT	-35.2595802441722, 174.121005614387	-35.2597674603953, 174.120694362179	35
Long Beach Road	Russell	LEFT	-35.2605456418598, 174.135735054186	-35.2606301714714, 174.1359453526	21
Long Beach Road	Russell	RIGHT	-35.2605861219745, 174.135710867315	-35.2606706516261, 174.135921165811	21
Oneroa Road	Russell	LEFT	-35.2615685146001, 174.126228938106	-35.2614380696257, 174.126452585628	25
Oneroa Road	Russell	RIGHT	-35.2616004492448, 174.126269024394	-35.2614748072965, 174.126484437542	24
Pitt Street	Russell	RIGHT	-35.2637905263634, 174.12205514785	-35.2637774116621, 174.121845259244	19
Robertson Street	Russell	RIGHT	-35.2635406856108, 174.123543545269	-35.2635642504831, 174.123689037955	13
Te Wahapu Road	Russell	LEFT	-35.2850260564392, 174.116777455273	-35.2859787728469, 174.116177564693	143
Te Wahapu Road	Russell	RIGHT	-35.2849823896737, 174.116763798623	-35.2859844425786, 174.116123023377	150
The Strand (North)	Russell	LEFT	-35.261660835752, 174.121438090945	-35.2598198044076, 174.120629457691	219
The Strand (South)	Russell	RIGHT	-35.2620883173735, 174.121566881379	-35.2648671356425, 174.121511575814	313
Wellington Street	Russell	LEFT	-35.2595802441722, 174.121005614387	-35.259548884217, 174.120938049316	7
Wellington Street	Russell	LEFT	-35.2596169386646, 174.12115438339	-35.2596119906831, 174.121122731729	3

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Wellington Street	Russell	LEFT	-35.2596833207627, 174.121609458205	-35.2596756077496, 174.121556580792	5
York Street	Russell	LEFT	-35.261268903711, 174.122127030832	-35.2613068270531, 174.122136939549	4
York Street	Russell	RIGHT	-35.2596748840515, 174.121650793753	-35.2614400977001, 174.122115551872	200
York Street	Russell	RIGHT	-35.2618365169217, 174.122222462972	-35.2631032093888, 174.122588636557	144
Mamaru Road	Taipa	LEFT	-34.9952980456516, 173.464597574484	-34.9952722765171, 173.464608482137	3
Okura Bay Road	Totara North	LEFT	-35.0409854432984, 173.728592292248	-35.040979446666, 173.728665905251	7
Okura Bay Road	Totara North	LEFT	-35.0410024173535, 173.727389563506	-35.0409484506348, 173.727508088085	13
Okura Bay Road	Totara North	RIGHT	-35.0410348345649, 173.727427660862	-35.0410752278258, 173.728275233242	81
Waipapa Loop Road	Waipapa	LEFT	-35.2062351025236, 173.916332270694	-35.2059840791862, 173.916523094478	33
Waipapa Loop Road	Waipapa	LEFT	-35.2064628715596, 173.917401893112	-35.2065584225385, 173.917008325453	38
Waipapa Loop Road	Waipapa	RIGHT	-35.2064258281293, 173.917370588513	-35.2064709396984, 173.91727265678	10
Waipapa Loop Road	Waipapa	RIGHT	-35.2065026702436, 173.917106532183	-35.2065081882611, 173.917053946489	5

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited at certain times

Road Name	Community	Times prohibition applies	Side of road	GPS Start	GPS End	Length (meters)
Williams Road	Paihia	15 October - 15 April	RIGHT	-35.283959134965, 174.088989235255	-35.2844759288946, 174.088668368903	69

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Far North
District Council

Te Kaunihera o Tai Tokerau Ki Te Raki



Parking Bylaw 2022

Schedules of the Parking Bylaw 2022

Schedule 2

Roads or parts of roads, where parking is restricted to certain types of vehicles

Explanatory note: Clause 8 of the Parking Bylaw 2022 outlines the provisions for when the following vehicles are exempt from parking prohibitions:

- *goods vehicles*
- *vehicles displaying an approved person's parking permit*
- *passenger services vehicles (e.g. buses)*
- *small passenger service vehicles (e.g. taxi)*
- *emergency vehicles*
- *vehicles with boat trailers*
- *electric vehicles*
- *vehicles with approval from Council*

Pursuant to section 22AB of the Land Transport Act 1998

Objective ID: A3658474

Schedule 2 – Road, or parts of roads, where parking is restricted to certain types of vehicles as per clause 8 of the Parking Bylaw 2022

Part A –Goods Vehicles only (commonly referred to as Loading Zones)

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for goods vehicles

Road name	Community	Side of road	Time Limit (minutes)	GPS Start	GPS End	Length (meters)
Cass Street	Russell	LEFT	10	-35.2617978113274, 174.121789483867	-35.2618242579357, 174.12166972644	11
Clendon Esplanade	Rawene	LEFT		-35.392698283362, 173.505290380712	-35.3927665613707, 173.505317410259	8
Clifford Street	Kaikohe	LEFT		-35.4074180570479, 173.79965756473	-35.4073425481743, 173.799598568924	10
Commerce Street	Kaitaia	RIGHT	5	-35.1156272338159, 173.265040982511	-35.1155878994099, 173.265014319708	5
Hone Heke Road	Kerikeri	LEFT		-35.2278737833705, 173.956486440396	-35.2280653027578, 173.95632443142	26
Hone Heke Road	Kerikeri	LEFT		-35.2282126252866, 173.956199808954	-35.2284409755538, 173.956006642267	31
Hone Heke Road	Kerikeri	RIGHT		-35.2278038814748, 173.956478693783	-35.227951204158, 173.956354071989	20
Recreation Road	Kaikohe	LEFT		-35.4099975065092, 173.804584290731	-35.4099632046358, 173.804662288143	8
Selwyn Road Service Lane	Paihia	RIGHT		-35.2816369756237, 174.090646456127	-35.2813795966809, 174.090922226856	38
Skippers Lane	Waipapa	LEFT		-35.2070150000805, 173.917943055515	-35.2071130556226, 173.918056944526	15
The Strand (North)	Russell	LEFT	10	-35.2617866522672, 174.121471090066	-35.261660835752, 174.121438090945	14
Waterfront Road	Mangonui	LEFT		-34.9895046945376, 173.536787196638	-34.9896668154504, 173.536870128002	20
York Street	Russell	LEFT	10	-35.2612185578154, 174.122113877204	-35.261268903711, 174.122127030832	6

Part B – Mobility (Disabled) Parking

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for vehicles displaying an approved disabled person's parking permit

Road Name	Community	Side of road	Time Limit (minutes)	GPS Start	GPS End	Length (meters)
Bank Street	Kaitaia	LEFT	60	-35.1152875221242, 173.264114271442	-35.1152417550284, 173.264211561454	10
Bank Street	Kaitaia	RIGHT		-35.1150962113617, 173.264410503344	-35.115126370465, 173.264346394854	7
Cass Street	Russell	RIGHT		-35.261763899252, 174.121731646652	-35.2617735160236, 174.121688099114	4
Chapel Street	Russell	RIGHT		-35.2618103033501, 174.122698383196	-35.2618037482925, 174.122741047244	4
Cobham Road	Kerikeri	LEFT		-35.228120134988, 173.949522775031	-35.2281617155352, 173.949593217418	8
Cobham Road	Kerikeri	LEFT		-35.2283301996553, 173.949878644685	-35.2283739298399, 173.949952728912	8
Commerce Street	Kaitaia	LEFT		-35.1136149500038, 173.263604998656	-35.1135285876965, 173.263545966555	11
Dickeson Street	Kaikohe	LEFT		-35.4082861709762, 173.799840521684	-35.4083397495279, 173.799883884147	7
Hone Heke Road	Kerikeri	RIGHT		-35.2276785003301, 173.956583858928	-35.2277303993476, 173.956540854972	7
Hongi Street	Kaikohe	RIGHT		-35.4001401879166, 173.803017646765	-35.4001131631066, 173.803013096121	3
Kerikeri Road	Kerikeri	LEFT	120	-35.2258806212302, 173.950211723273	-35.2258436065505, 173.950242656127	5
Kerikeri Road	Kerikeri	LEFT		-35.2266283139455, 173.949586874282	-35.226606105419, 173.949605433459	3
Kerikeri Road	Kerikeri	LEFT	120	-35.2281143933685, 173.948287129518	-35.2281451499197, 173.948262187924	4
Kerikeri Road	Kerikeri	LEFT		-35.2286034670611, 173.947874708032	-35.2285672739983, 173.947906152509	5
Kerikeri Road	Kerikeri	RIGHT		-35.2289047034986, 173.947680467869	-35.2288540330986, 173.947724490187	7
Melba Street	Kaitaia	LEFT		-35.1138042009164, 173.264613722649	-35.1137867292565, 173.264651658829	4
Melba Street	Kaitaia	RIGHT	60	-35.1140623944258, 173.264153876796	-35.1140067707698, 173.264277951548	13

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Memorial Avenue	Kaikohe	RIGHT		-35.4093800058642, 173.801328027202	-35.4093549169516, 173.801386521448	6
Park Road	Kaikohe	LEFT		-35.4062173197003, 173.796923213277	-35.406167915019, 173.796896203136	6
Park Road	Kaikohe	LEFT		-35.4065219852273, 173.797089773283	-35.4064725796796, 173.797062764028	6
Redan Road	Kaitaia	LEFT		-35.1168900670616, 173.265227299259	-35.1169284448044, 173.26518095845	6
Redan Road	Kaitaia	LEFT		-35.1169732182147, 173.26512689375	-35.117011595919, 173.265080552847	6
Selwyn Road	Paihia	LEFT		-35.2818036862274, 174.090676697116	-35.2818388259726, 174.090727110523	6
Settlers Way	Okaihau	LEFT		-35.3211458366963, 173.76977701388	-35.3212276831838, 173.769638039243	16
Settlers Way	Okaihau	LEFT		-35.3215129688414, 173.769140788002	-35.3215483268269, 173.769077012215	7
Skippers Lane	Waipapa	LEFT		-35.206690001315, 173.917641944944	-35.2067099997555, 173.917663889144	2
Skippers Lane	Waipapa	LEFT		-35.2068861108046, 173.917868888858	-35.2069119444582, 173.917898888911	3
Waipapa Loop Road	Waipapa	RIGHT		-35.2062426357103, 173.916371863804	-35.206265315276, 173.91635462252	3
Waterfront Road	Mangonui	RIGHT		-34.9890731715504, 173.535832255111	-34.9891529557556, 173.535965283542	15
Williams Road	Paihia	LEFT	30	-35.2817867345336, 174.091518908275	-35.2818150793165, 174.091489365623	4
Williams Road	Paihia	RIGHT		-35.281576352122, 174.091674786613	-35.2816246226679, 174.091621241512	7
York Street	Russell	LEFT		-35.2626642243075, 174.122502668342	-35.2627135352636, 174.12251871481	6

Part C – Passenger Service Bus Stop

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for passenger service vehicles

Road Name	Community	Side of road	Time Limit (minutes)	GPS Start	GPS End	Length (meters)
Ahipara Road	Kaitaia	LEFT		-35.1715390757415, 173.154412805678	-35.1715186221093, 173.154216711496	18
Ahipara Road	Kaitaia	RIGHT		-35.1715838025341, 173.154405887231	-35.1715633488913, 173.154209792943	18
Baker Street	Russell	LEFT		-35.2618141272271, 174.124470453261	-35.2620202487614, 174.124404904919	24
Blencowe Street	Kaitaia	LEFT		-35.1117927333612, 173.261786935944	-35.1118686263233, 173.261672806086	13
Cass Street	Russell	RIGHT	10	-35.2617735160236, 174.121688099114	-35.2617999625213, 174.121568342785	11
Cobham Road	Kerikeri	LEFT		-35.2281617155352, 173.949593217418	-35.2282372728464, 173.949721217339	14
Kerikeri Road	Kerikeri	RIGHT		-35.2179309403446, 173.962097399893	-35.2180216981759, 173.96298550731	82
Commerce Street	Kaitaia	RIGHT		-35.1101787250496, 173.260386012068	-35.1100682674718, 173.260273440335	16
Commerce Street	Kaitaia	RIGHT		-35.1169884015996, 173.266872419708	-35.1169280663711, 173.266725346231	15
Derrick Road	Kawakawa	RIGHT		-35.3787946638419, 174.076800136026	-35.3788977696838, 174.076376550089	40
Hongi Street	Kaikohe	RIGHT		-35.4013922127639, 173.803342776291	-35.4008593947097, 173.80319938917	61
Macmurray Road	Paihia	LEFT		-35.2870177406148, 174.095779992456	-35.286899792879, 174.095356520232	41

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at specified times, except for passenger service vehicles

Road Name	Community	Specified time of day	Side of road	GPS Start	GPS End	Length (meters)
Mamaru Road	Taipa	8am - 9am, 2:30pm - 3:30pm	LEFT	-34.9949888213713, 173.464728468105	-34.9945078067291, 173.464932078721	56
Russell Esplanade	Rawene	10am - 11am, 2pm - 3pm	LEFT	-35.3925458175645, 173.504638904206	-35.39260996399, 173.504416635323	22
Williams Road	Paihia	8am - 10am, 2pm - 4pm	LEFT	-35.2838004967896, 174.089291200484	-35.2838729312473, 174.089191006109	12

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Part D – Taxi Stand

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for small passenger service vehicles

Road Name	Community	Side of road	GPS Start	GPS End	Length (meters)
Clifford Street	Kaikohe	RIGHT	-35.4075296814286, 173.799810142229	-35.4074692738485, 173.799762946272	8
Cobham Road	Kerikeri	RIGHT	-35.2279686108115, 173.949170146113	-35.2280225425171, 173.94926336672	10
Memorial Avenue	Kaikohe	LEFT	-35.4094529087391, 173.801039240458	-35.4094278738413, 173.801097768422	6

Part E – Emergency Vehicles

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for emergency vehicles

Road Name	Community	Side of road	GPS Start	GPS End	Length (meters)
York Street	Russell	LEFT	-35.2604497217673, 174.121900339215	-35.260617505379, 174.121943835937	19

Part F – Boat Trailers

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for vehicles with boat trailers

Road Name	Community	Side of road	Time Limit (minutes)	GPS Start	GPS End	Length (meters)
Clendon Esplanade	Rawene	LEFT		-35.3945016846673, 173.505883381778	-35.3947701069405, 173.505859828213	30
Franklin Street	Opuā	RIGHT	60	-35.3130678452419, 174.112944461969	-35.3131899750096, 174.113345239378	39

Part G – Electric Vehicles

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for electric vehicles

Road Name	Community	Side of road	GPS Start	GPS End	Length (meters)
Williams Road	Paihia	LEFT	-35.282914946543, 174.090287059785	-35.2828713493201, 174.090332258318	6

Part H – Approved Vehicles

Roads or parts of roads, where stopping, standing, or parking a vehicle is prohibited, at all times, except for vehicles displaying council approved label

Road Name	Community	Side of road	GPS Start	GPS End	Length (meters)
Clendon Esplanade	Rawene	RIGHT	-35.3927207208542, 173.505241385457	-35.3928658115247, 173.505298823227	17
nell Street	Rawene	LEFT	-35.392986281298, 173.504993952489	-35.39292724454, 173.505011126798	7
Russell Esplanade	Rawene	RIGHT	-35.3924219165692, 173.505208698661	-35.3923988102064, 173.505068115289	23

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Far North
District Council

Te Kaunihera o Tai Tokerau Ki Te Raki



Parking Bylaw 2022

Schedules of the Parking Bylaw 2022

Schedule 3

Roads or parts of roads, where time restricted parking applies

Explanatory note: The Parking Bylaw clauses 9-11 state the following:

(9) Short-stay parking restrictions (P5 – P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part A of Schedule 3 for more than the time period specified in the Schedule for that road, or part.

10 Long-stay parking restrictions (more than P30)

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part B of Schedule 3 for more than the time period specified in the Schedule for that road, or part.

11 Places where parking restricted to certain times of the day or year

A person must not stop, stand or park a vehicle on the roads or parts of roads listed in Part C of Schedule 3 except on, or during, the days of the year, or the times of the day, specified in Part C for that road, or part.

Pursuant to section 22AB of the Land Transport Act 1998

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Schedule 3 - Roads, or parts of roads, where parking is restricted as per clauses 9,10, and 11 of the Parking Bylaw 2022

Part A – Short – stay parking restrictions (P5 – P30)

Roads or parts of roads, where stopping, standing, or parking a vehicle is restricted, at all times, to no more than the time period specified (P5 – P30)

Road Name	Community	Side of road	Time Limit (minutes)	GPS START	GPS END	Length (meters)
Ahipara Road	Kaitaia	LEFT	10	-35.1715838025341, 173.154405887231	-35.1716485706089, 173.155026852017	57
Commerce Street	Kaitaia	LEFT	5	-35.1138583340307, 173.26377136312	-35.1138033763392, 173.263733796899	7
Redan Road	Kaitaia	RIGHT	15	-35.1168071423967, 173.265250134674	-35.1170310102598, 173.264979813369	35
Hobson Avenue	Kerikeri	LEFT	10	-35.229243064141, 173.948448109517	-35.2292061533507, 173.948730231672	26
Hone Heke Road	Kerikeri	LEFT	30	-35.2274323487086, 173.956842918949	-35.2277922606152, 173.956555390594	48
Beechey Street	Opuia	RIGHT	10	-35.3124973251536, 174.120849144859	-35.3125060495028, 174.120750796634	9
Beechey Street	Opuia	RIGHT	30	-35.3125062311385, 174.120749196442	-35.3125397833478, 174.120564124644	17
Beechey Street	Opuia	RIGHT	30	-35.3125079244754, 174.120987582959	-35.3124971960155, 174.120851792975	12
Beechey Street	Opuia	RIGHT	10	-35.3126161657728, 174.120417498798	-35.3126657785724, 174.120370298915	7
Davis Crescent	Paihia	RIGHT	30	-35.2785466101956, 174.084834269717	-35.2783619925092, 174.084934777308	22
Selwyn Road	Paihia	LEFT	30	-35.2817393304964, 174.090584370498	-35.2818040394049, 174.090676326893	11
Selwyn Road	Paihia	LEFT	30	-35.281839778968, 174.090727115607	-35.2820160799214, 174.090977655251	30
Selwyn Road	Paihia	RIGHT	30	-35.2816128114656, 174.09032441676	-35.2820136521157, 174.090893043333	68
Williams Road	Paihia	LEFT	30	-35.2815101422732, 174.09182254392	-35.2817170180501, 174.09159306883	31
Williams Road	Paihia	LEFT	30	-35.2818151403049, 174.091489301566	-35.282123823323, 174.091134373848	47
Williams Road	Paihia	RIGHT	30	-35.2813763716304, 174.091896610428	-35.281576352122, 174.091674786613	30
Williams Road	Paihia	RIGHT	30	-35.2817078918354, 174.091528895478	-35.2819912886892, 174.091233389602	41
Cass Street	Russell	LEFT	30	-35.2617593430905, 174.121963675043	-35.2617881945194, 174.121833031406	12
York Street	Russell	LEFT	30	-35.2609024838232, 174.122021204041	-35.2610082500451, 174.122049754363	12
York Street	Russell	LEFT	30	-35.2610691878475, 174.122067353306	-35.261165348857, 174.122097551104	11
York Street	Russell	LEFT	30	-35.261192206917, 174.122106030949	-35.2612187081376, 174.122113029513	3
York Street	Russell	LEFT	30	-35.2613069355162, 174.122136327631	-35.261536279363, 174.122196890021	26

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Roads or parts of roads, where stopping, standing, or parking a vehicle is restricted, at certain times, to no more than the time period specified (P5 – P30)

Road Name	Community	Times restriction applies	Side of road	GPS Start	GPS End	Length (meters)
Davis Crescent	Paihia	8am – 5pm	LEFT	-35.2786945099272, 174.084693547626	-35.2784398647554, 174.08483217973	31

Part B - Places where the time limit is more than 30 minutes.

Roads or parts of roads, where stopping, standing, or parking a vehicle is restricted, at all times, to no more than the time period specified (more than P30)

Road Name	Community	Side of road	Time Limit (minutes)	GPS Start	GPS End	Length (meters)
Bank Street	Kaitaia	LEFT	60	-35.115112621121, 173.264486057865	-35.1152417550284, 173.264211561454	29
Bank Street	Kaitaia	LEFT	60	-35.1153898481886, 173.263944826936	-35.1154991628388, 173.263795059159	18
Bank Street	Kaitaia	LEFT	60	-35.1155538205464, 173.263720174572	-35.1156077166871, 173.263646333267	9
Bank Street	Kaitaia	LEFT	60	-35.1156607624987, 173.263553810059	-35.1158148450637, 173.263341131167	26
Bank Street	Kaitaia	RIGHT	60	-35.115126370465, 173.264346394854	-35.1152025349364, 173.264184493505	17
Bank Street	Kaitaia	RIGHT	60	-35.1152370604548, 173.264111101705	-35.1152602962476, 173.264061765908	5
Bank Street	Kaitaia	RIGHT	60	-35.1152992913251, 173.263986814737	-35.1153500667484, 173.263916708132	9
Bank Street	Kaitaia	RIGHT	60	-35.1153865049759, 173.263866784864	-35.115531251736, 173.263668575099	24
Bank Street	Kaitaia	RIGHT	60	-35.1156943116114, 173.263422496248	-35.1157870640025, 173.26329664806	15
Bayview Road	Paihia	LEFT	240	-35.2802505936699, 174.089596538288	-35.2806075429866, 174.089208037722	53
Bayview Road	Paihia	RIGHT	240	-35.2800454694173, 174.089746106281	-35.2806718172769, 174.089064402631	93
Blencowe Street	Kaitaia	LEFT	120	-35.1122766406271, 173.261061628918	-35.112412646209, 173.260857903674	24
Blencowe Street	Kaitaia	RIGHT	120	-35.1117656313354, 173.261740072067	-35.1118676332609, 173.261587276695	18
Blencowe Street	Kaitaia	RIGHT	120	-35.1120215634973, 173.261356695525	-35.112103515289, 173.261233941437	14
Cass Street	Russell	RIGHT	60	-35.2616917720391, 174.122058256133	-35.2617566862073, 174.121764307842	28
Clendon Esplanade	Rawene	RIGHT	120	-35.3928655351556, 173.505298716895	-35.3930197683715, 173.505357111549	18
Clifford Street	Kaikohe	LEFT	60	-35.4073425472727, 173.799598568915	-35.4072443851472, 173.799521874858	13
Clifford Street	Kaikohe	LEFT	60	-35.407553972587, 173.799763756576	-35.4074180561463, 173.799657564721	18
Clifford Street	Kaikohe	RIGHT	60	-35.4072427454926, 173.799585958761	-35.407189890694, 173.799544662609	7
Clifford Street	Kaikohe	RIGHT	60	-35.4073409075764, 173.799662652894	-35.4072956020718, 173.799627256088	6
Clifford Street	Kaikohe	RIGHT	60	-35.4074692738485, 173.799762946272	-35.4073937641272, 173.799703950321	10
Cobham Road	Kerikeri	LEFT	60	-35.2278429934333, 173.949040043317	-35.228120134988, 173.949522775031	54
Cobham Road	Kerikeri	RIGHT	60	-35.2280825198948, 173.949364971987	-35.2281867115217, 173.949540699846	20
Cobham Road	Kerikeri	RIGHT	60	-35.2283739288432, 173.949856459183	-35.2289469520718, 173.95051868716	97
Commerce Street	Kaitaia	LEFT	60	-35.1113605697998, 173.261518930473	-35.11099467842, 173.261146031829	53
Commerce Street	Kaitaia	LEFT	60	-35.1125892621519, 173.262771499579	-35.1125063618962, 173.262687151801	12
Commerce Street	Kaitaia	LEFT	60	-35.1134343739912, 173.263481567243	-35.1129000556271, 173.26308796111	69
Commerce Street	Kaitaia	LEFT	60	-35.1144784336004, 173.264195664095	-35.1141095835718, 173.263943103728	47
Commerce Street	Kaitaia	LEFT	60	-35.1149179051077, 173.264496614462	-35.1145883024521, 173.264270901934	42
Commerce Street	Kaitaia	LEFT	60	-35.1154525026139, 173.26485973137	-35.1152164985396, 173.264699755816	30
Commerce Street	Kaitaia	LEFT	60	-35.116011046008, 173.265238346063	-35.1155862384246, 173.264950385693	54
Commerce Street	Kaitaia	LEFT	120	-35.116689778725, 173.266024893141	-35.1166413255326, 173.265907346167	12
Commerce Street	Kaitaia	LEFT	120	-35.1167732691762, 173.266227439141	-35.1167140061822, 173.266083665585	15
Commerce Street	Kaitaia	LEFT	120	-35.1169428412086, 173.266638818123	-35.1167732691762, 173.266227439141	42
Commerce Street	Kaitaia	RIGHT	60	-35.1106343591571, 173.260850376689	-35.1105239029283, 173.260737802607	16
Commerce Street	Kaitaia	RIGHT	60	-35.1112073571929, 173.261434349697	-35.1111659355403, 173.261392133923	6
Commerce Street	Kaitaia	RIGHT	60	-35.1123600447466, 173.262609637067	-35.1122358180926, 173.262482934847	18
Commerce Street	Kaitaia	RIGHT	60	-35.1127675650488, 173.263024499888	-35.112574156478, 173.262827648585	28
Commerce Street	Kaitaia	RIGHT	60	-35.113380890421, 173.26350793966	-35.1128711073511, 173.263130027041	66

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Commerce Street	Kaitaia	RIGHT	60	-35.1138990639324, 173.263862134353	-35.1137184881945, 173.263738701941	23
Commerce Street	Kaitaia	RIGHT	60	-35.1145112585708, 173.26428110259	-35.1142836758115, 173.264125255406	29
Commerce Street	Kaitaia	RIGHT	60	-35.1151236969571, 173.264699656505	-35.1146996278167, 173.264410097866	54
Commerce Street	Kaitaia	RIGHT	60	-35.1154698979603, 173.26494330364	-35.1152260263716, 173.264769022048	31
Commerce Street	Kaitaia	RIGHT	60	-35.1159812386786, 173.265280949972	-35.1157059017075, 173.26509430819	35
Commerce Street	Kaitaia	RIGHT	60	-35.1168109899405, 173.266441321138	-35.1165767983042, 173.265873177785	58
Dickeson Street	Kaikohu	LEFT	60	-35.4079612066812, 173.799576477689	-35.4081295981113, 173.79971275662	22
Empire Street	Kaitaia	LEFT	120	-35.1115946708937, 173.263844366591	-35.1115601579823, 173.263894638345	6
Empire Street	Kaitaia	LEFT	120	-35.112085226443, 173.26313350768	-35.1119571949572, 173.263316309696	22
Empire Street	Kaitaia	LEFT	120	-35.1122251077072, 173.262934262903	-35.1121202096773, 173.263083679033	18
Empire Street	Kaitaia	RIGHT	120	-35.1119743955249, 173.26337683086	-35.111652279336, 173.263846031521	56
Empire Street	Kaitaia	RIGHT	120	-35.1123584561726, 173.262828788583	-35.1120437619244, 173.263277035863	54
Fairway Drive	Kerikeri	LEFT	60	-35.2267666315152, 173.94895189764	-35.2266464912603, 173.948746593502	23
Fairway Drive	Kerikeri	RIGHT	60	-35.2269329560981, 173.949246617336	-35.2265861819571, 173.948738463154	61
Franklin Street	Opuā	RIGHT	60	-35.3130678452419, 174.112944461969	-35.3131899750096, 174.113345239378	39
Homestead Road	Kerikeri	RIGHT	60	-35.2281088866885, 173.947908888713	-35.2280673977723, 173.947847344799	7
Kerikeri Road	Kerikeri	LEFT	120	-35.2234961355776, 173.952258692915	-35.2233722252774, 173.952370472559	17
Kerikeri Road	Kerikeri	LEFT	120	-35.2235401309388, 173.952219004524	-35.2234961355776, 173.952258692915	6
Kerikeri Road	Kerikeri	LEFT	120	-35.2238209265264, 173.95197521087	-35.2236875913689, 173.952089967872	18
Kerikeri Road	Kerikeri	LEFT	120	-35.22440608769, 173.951471559648	-35.2242727692943, 173.951586309686	18
Kerikeri Road	Kerikeri	LEFT	120	-35.2245693066099, 173.951331748899	-35.2245174328286, 173.951376361357	7
Kerikeri Road	Kerikeri	LEFT	120	-35.2248063814474, 173.951127858473	-35.2246730268956, 173.95124254657	18
Kerikeri Road	Kerikeri	LEFT	120	-35.2249545530535, 173.951000426084	-35.224865650109, 173.951076885133	12
Kerikeri Road	Kerikeri	LEFT	120	-35.2251694007422, 173.950815649171	-35.2250804979111, 173.95089210862	12
Kerikeri Road	Kerikeri	LEFT	120	-35.2258436047645, 173.950242653909	-35.2258065900772, 173.950273586735	5
Kerikeri Road	Kerikeri	LEFT	120	-35.2258436065505, 173.950242656127	-35.2255101926928, 173.950522552692	45
Kerikeri Road	Kerikeri	LEFT	120	-35.225917634992, 173.950180791479	-35.2258806212302, 173.950211723273	5
Kerikeri Road	Kerikeri	LEFT	120	-35.2261249186205, 173.950007568821	-35.2259906778777, 173.950112738607	17
Kerikeri Road	Kerikeri	LEFT	120	-35.2265475975471, 173.949654329972	-35.2264876592561, 173.949704420687	8
Kerikeri Road	Kerikeri	LEFT	120	-35.2266283139455, 173.949586874282	-35.226606105419, 173.949605433459	3
Kerikeri Road	Kerikeri	LEFT	120	-35.2267985822664, 173.949444582199	-35.2266283139455, 173.949586874282	23
Kerikeri Road	Kerikeri	LEFT	120	-35.227431117678, 173.948896613644	-35.2271762491634, 173.949126070477	35
Kerikeri Road	Kerikeri	LEFT	120	-35.227841762419, 173.948524272231	-35.2277379876054, 173.948619307008	14
Kerikeri Road	Kerikeri	LEFT	120	-35.2280986411884, 173.948299908588	-35.2279536897179, 173.948421799297	20
Kerikeri Road	Kerikeri	RIGHT	120	-35.2242914704613, 173.951637736626	-35.2234063354814, 173.952408052789	121
Kerikeri Road	Kerikeri	RIGHT	120	-35.2246246885096, 173.95135072931	-35.2242913690539, 173.951637560728	45
Kerikeri Road	Kerikeri	RIGHT	120	-35.2246618460062, 173.951319099124	-35.2246248183882, 173.951350953889	5
Kerikeri Road	Kerikeri	RIGHT	120	-35.2248840422622, 173.951127847219	-35.22466172947, 173.951318897776	30
Kerikeri Road	Kerikeri	RIGHT	120	-35.2249803878171, 173.951045050163	-35.2248840778508, 173.95112790807	13
Kerikeri Road	Kerikeri	RIGHT	60	-35.2263874338049, 173.949855132089	-35.2260615667354, 173.950127124811	44
Kerikeri Road	Kerikeri	RIGHT	60	-35.2264392739485, 173.949811862267	-35.2263874338049, 173.949855132089	7
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Kerikeri Road	Kerikeri		120	-35.2241692248317, 173.951675824168	-35.2236874719303, 173.952090135694	65
Kerikeri Road	Kerikeri		120	-35.2264654507034, 173.949722980899	-35.2262803787368, 173.949877647105	25
Kerikeri Road	Kerikeri		120	-35.2268314891064, 173.949483723477	-35.2266908309598, 173.949601263713	19
Kerikeri Road	Kerikeri		60	-35.2277413771094, 173.948681645978	-35.2268317816774, 173.94948424335	125
Melba Street	Kaitaia	LEFT	60	-35.1134722373453, 173.265334510579	-35.1134460295146, 173.265391413831	6
Melba Street	Kaitaia	LEFT	60	-35.1140228155098, 173.264127598232	-35.1138602248127, 173.264490276334	38
Melba Street	Kaitaia	RIGHT	60	-35.1139554266463, 173.264392481688	-35.1139083611807, 173.264497467249	11
Melba Street	Kaitaia	RIGHT	60	-35.1140067707698, 173.264277951548	-35.1139768204206, 173.264344760541	7
Park Road	Kaikohu	LEFT	60	-35.4082879521793, 173.798169729008	-35.4079262521213, 173.797899478246	47
Park Road	Kaikohu	RIGHT	60	-35.4081105134473, 173.798101701424	-35.4079335107128, 173.797969451139	23
Parnell Street	Rawene	LEFT	120	-35.39292724454, 173.505011126798	-35.3926910956816, 173.505079822676	27
Parnell Street	Rawene	LEFT	120	-35.3932561657718, 173.504915441535	-35.392986281298, 173.50493952489	31
Raihara Street	Kaikohu	LEFT	60	-35.4072744857952, 173.801117648651	-35.4078799189833, 173.801471222285	74

Objective ID: A3658477

3

Raihara Street	Kaikohe	RIGHT	60	-35.4071957544007, 173.801010635255	-35.4072857506792, 173.801063193026	11
Redan Road	Kaitaia	LEFT	60	-35.1167685027631, 173.265374089018	-35.1168900670616, 173.265227299259	19
Redan Road	Kaitaia	LEFT	60	-35.117011595919, 173.265080552847	-35.117057020376, 173.265027291271	7
Redan Road	Kaitaia	LEFT	60	-35.1170954843742, 173.264981057004	-35.1171467033766, 173.264919491145	8
Russell Esplanade	Rawene	LEFT	120	-35.3924509338152, 173.505145190818	-35.3924769309007, 173.50494999418	23
Russell Esplanade	Rawene	RIGHT	120	-35.3925556383772, 173.505175073549	-35.3924695543087, 173.50519672026	10
Selwyn Road	Paihia	LEFT	120	-35.2810286930341, 174.089599436756	-35.2816864429726, 174.0905094206	110
Selwyn Road	Paihia	RIGHT	60	-35.2808352853153, 174.089248727152	-35.2816126280479, 174.090324159198	130
Station Road	Kaikohe	LEFT	60	-35.408723741763, 173.798545352347	-35.4088802451603, 173.798654219718	20
Taffe Street	Kaitaia	LEFT	120	-35.1128370989293, 173.262877278904	-35.1130768563192, 173.262517866286	42
Taffe Street	Kaitaia	LEFT	120	-35.1133570342441, 173.262103816168	-35.1134945487855, 173.261901135132	24
Taffe Street	Kaitaia	RIGHT	120	-35.1128664399648, 173.26274675362	-35.1129117521693, 173.26267866971	8
Wihongi Street	Kaikohe	LEFT	60	-35.4063695117693, 173.802165185471	-35.4060333967429, 173.80191601468	44
Wihongi Street	Kaikohe	RIGHT	60	-35.4063094969354, 173.802181450733	-35.4060178237321, 173.801968786828	38
Williams Road	Paihia	LEFT	60	-35.2823377599911, 174.090898846579	-35.282665536569, 174.090545297487	49
Williams Road	Paihia	LEFT	60	-35.282914946543, 174.090287059785	-35.2836873456927, 174.089445950846	115
Williams Road	Paihia	RIGHT	60	-35.2821942598567, 174.090984251364	-35.2828651951852, 174.090266483422	99
York Street	Russell	LEFT	60	-35.2616067562311, 174.122215302297	-35.2617436513114, 174.122252551386	16
York Street	Russell	LEFT	60	-35.2619590335852, 174.122313641991	-35.2620835235482, 174.122347707131	14
York Street	Russell	LEFT	60	-35.2621669805095, 174.122369325093	-35.2624581969841, 174.122444759588	33
York Street	Russell	LEFT	60	-35.2625076543318, 174.122457564995	-35.2626566689025, 174.122500196192	17
York Street	Russell	LEFT	60	-35.2627299722416, 174.12252406437	-35.262812157157, 174.122550808906	9
York Street	Russell	LEFT	60	-35.2628450302173, 174.122561506944	-35.2630258370001, 174.122620344731	21

Roads or parts of roads, where stopping, standing, or parking a vehicle is restricted, at certain times, to no more than the time period specified (more than P30)

Road Name	Community	Time restriction applies	Side of road	Time Limit (minutes)	GPS Start	GPS End	Length (meters)
Russell Esplanade	Rawene	12am - 10am, 11am - 2pm, 3pm - 12pm	LEFT	120	-35.3925255007509, 173.504730705267	-35.39260996399, 173.504416635323	30
Williams Road	Paihia	15 October - 15 April	RIGHT	60	-35.2828651578753, 174.090266521408	-35.2839589560461, 174.088989479174	168

Objective ID: A3658477

4



**Far North
District Council**

Te Kaunihera o Tai Tokerau Ki Te Raki



Parking Bylaw 2022

Schedules of the Parking Bylaw 2022

Schedule 4

Use of parking places (carparks)

Explanatory note: Clause 12 of the Parking Bylaw outlines the provisions for parking at parking place (commonly referred to as a carpark).

Pursuant to section 22AB of the Land Transport Act 1998

Objective ID: A3658478

Schedule 4 – Parking places where a person must park a vehicle in accordance with clause 12 of the Parking Bylaw 2022

Name of Carpark	Community	Legal Description
Houhora Game Fishing Club Carpark	Houhora	Section 2 SO 66073
Library Carpark	Kaikohe	Part Lot 6 DP 21204
Marino Place Carpark	Kaikohe	
Memorial Avenue Carpark	Kaikohe	Lot 2 DP 58730
East Lane Carpark	Kaitaia	Lot 3 DP 179628
iSite and Cinema (Te Ahu) Carpark	Kaitaia	Lot 1 DP 69447
North Road Carpark	Kaitaia	Lot 11 DP 66607
Te Ahu Carpark	Kaitaia	Section 83 Block V Takahue SD, Lot 1 DP 69447
Commercial Street Carpark	Kawakawa	Lot 6 DP 39772, Lot 2 DP 153971, Part Lot 38 DEEDS W 46, Lot 1 DP 89924, Lot 2 DP 68693, Lot 3 DP 39772
Johnson Park lay-by	Kawakawa	Part Lot 178 DEEDS W 46
Whangae Road Carpark	Kawakawa	Part Lot 111 DEEDS W 46, Part Lot 109 DEEDS W 46, Part Lot 110 DEEDS W 46
Hobson Avenue Carpark	Kerikeri	Lot 16 DP 35860, Part Lot 2 DP 83550, Section 64 Block XI Kerikeri SD, Lot 22 DP 35860, Section 46 Block XI Kerikeri SD, Lot 21 DP 35860
Homestead Road Carpark	Kerikeri	Lot 9 DP 28912
John Butler Centre Carpark	Kerikeri	Lot 2 DP 369517, Lot 9 DP 28912, Lot 1 DP 369517
Julian Carpark	Kerikeri	Part Lot 13 DP 28912
Kerikeri Bowling Club Carpark	Kerikeri	Part Lot 1 DP 21496

Objective ID: A3658478

1



**Far North
District Council**

Te Kaunihera o Tai Tokerau Ki Te Raki



Parking Bylaw 2022

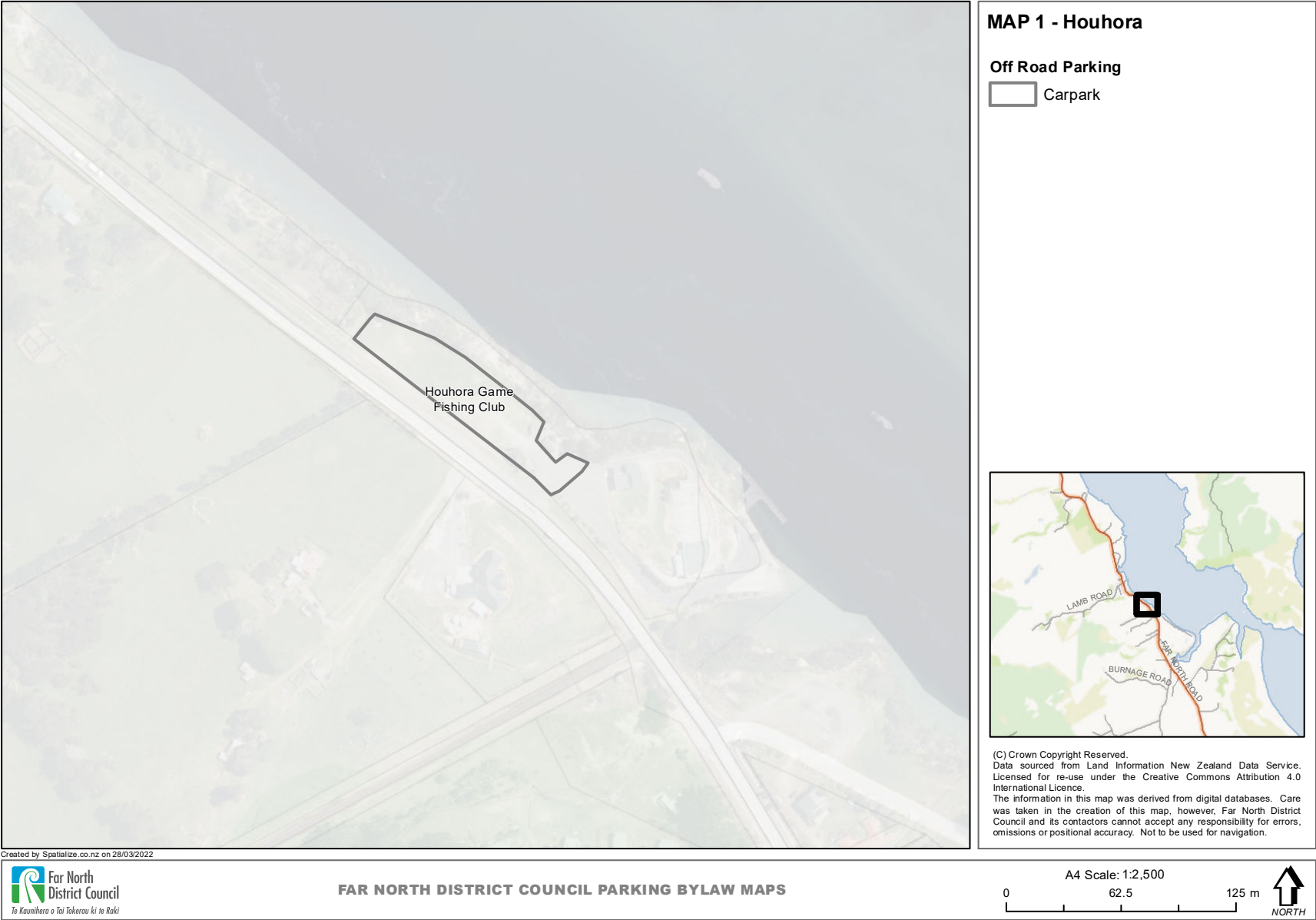
Schedules made under the Parking Bylaw 2022

Schedule 5

Parking restrictions or prohibition grouped by town or area

Explanatory note: Schedule 5 does not form part of the Parking Bylaw and is in place to provide a clear visual description of the roads that have parking restrictions, limits or prohibitions.

Pursuant to section 22AB of the Land Transport Act 1998.





MAP 2 - Taipa

Road Side Parking Restriction

- No stopping, standing or parking
- Passenger service bus stop

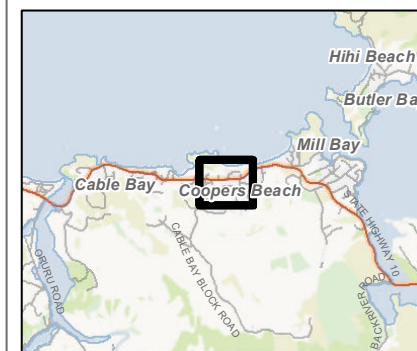
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MAP 3 - Coopers Beach

Road Side Parking Restriction

— No stopping, standing or parking

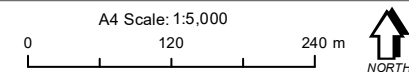


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FAR NORTH DISTRICT COUNCIL PARKING BYLAW MAPS





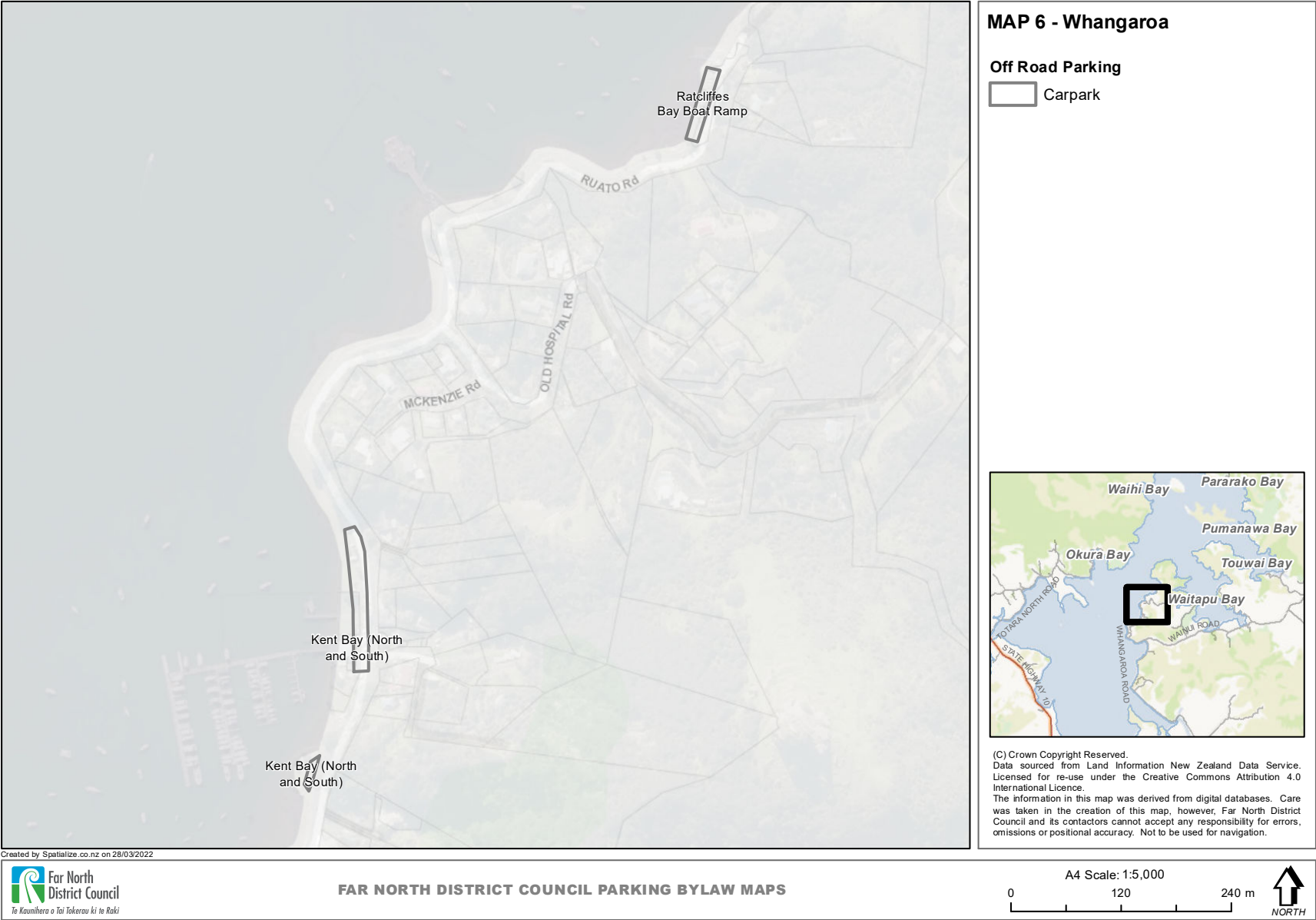


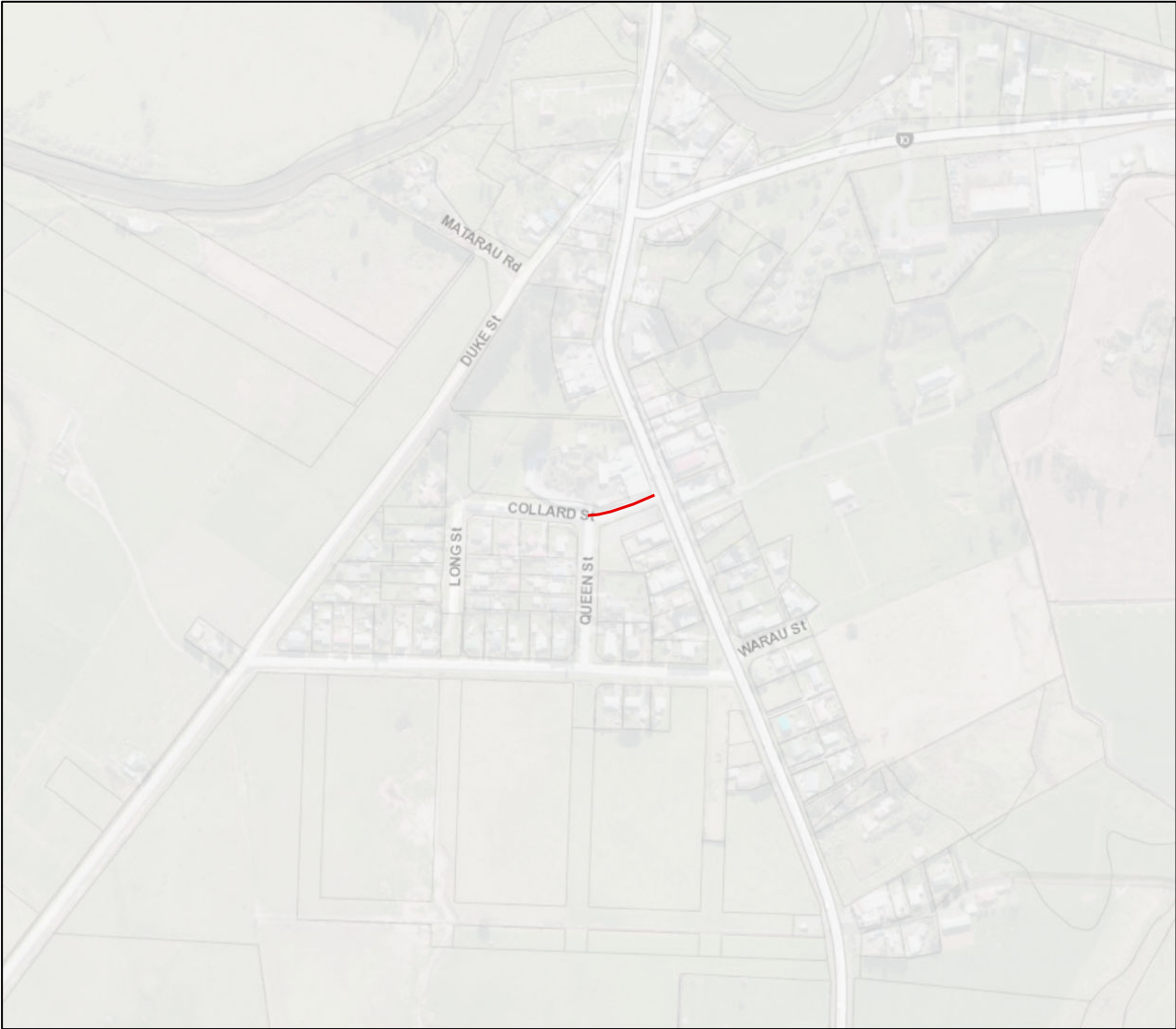
MAP 5 - Totara North

Road Side Parking Restriction

— No stopping, standing or parking

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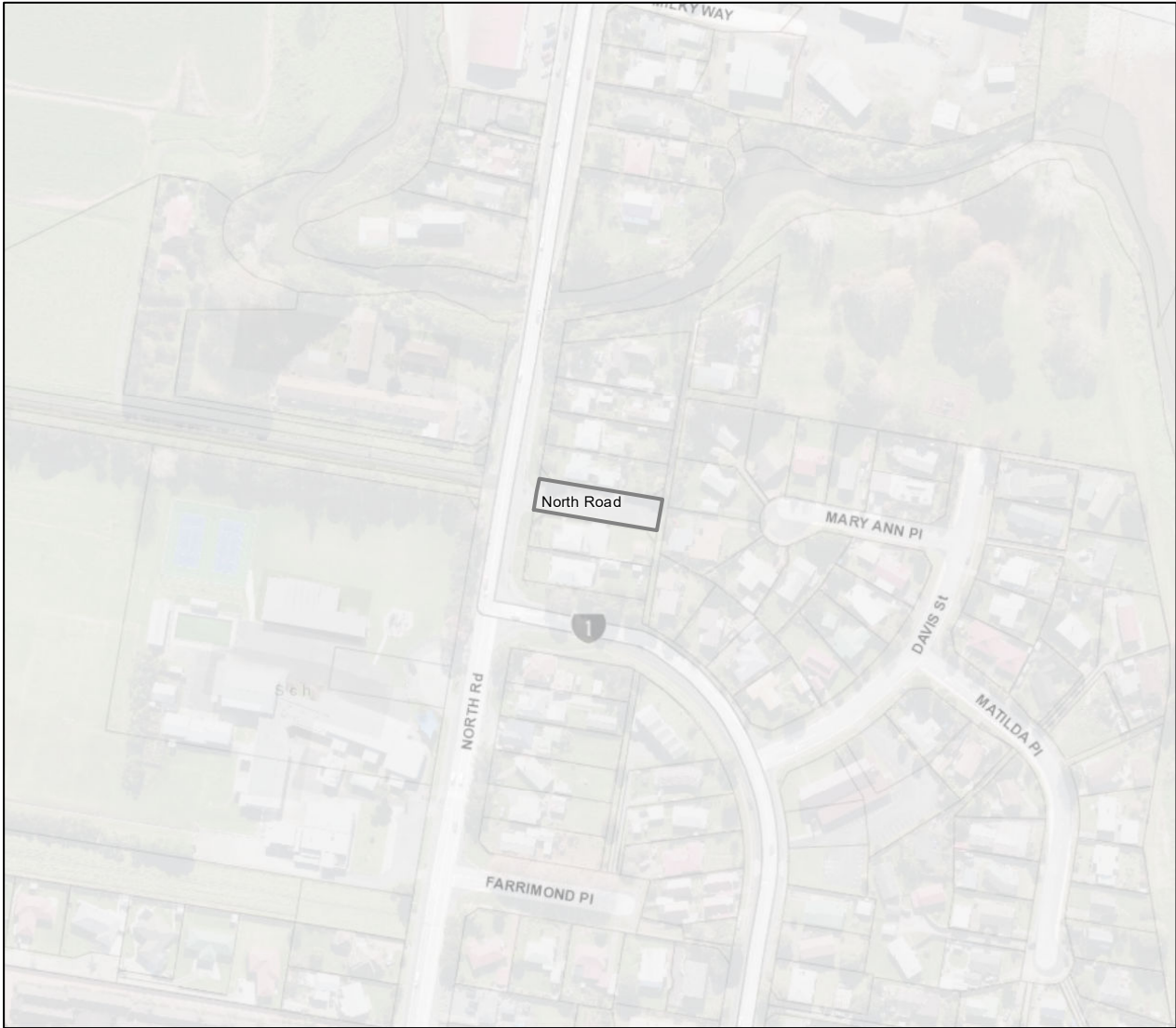


MAP 7 - Kaitia

Road Side Parking Restriction


— No stopping, standing or parking

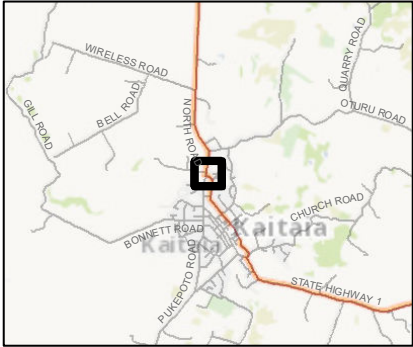
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MAP 8 - Kaitaia

Off Road Parking

 Carpark

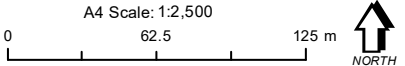


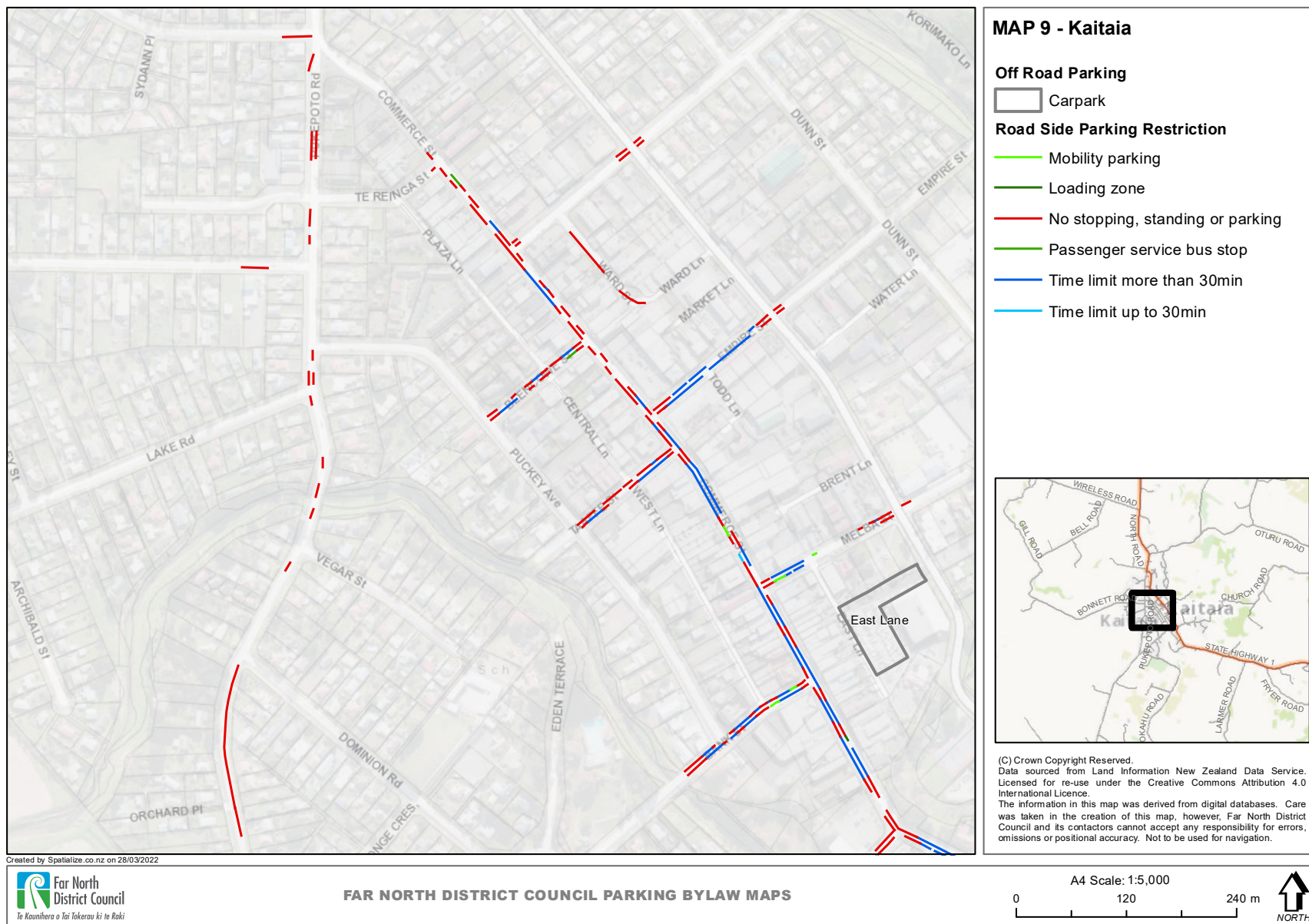
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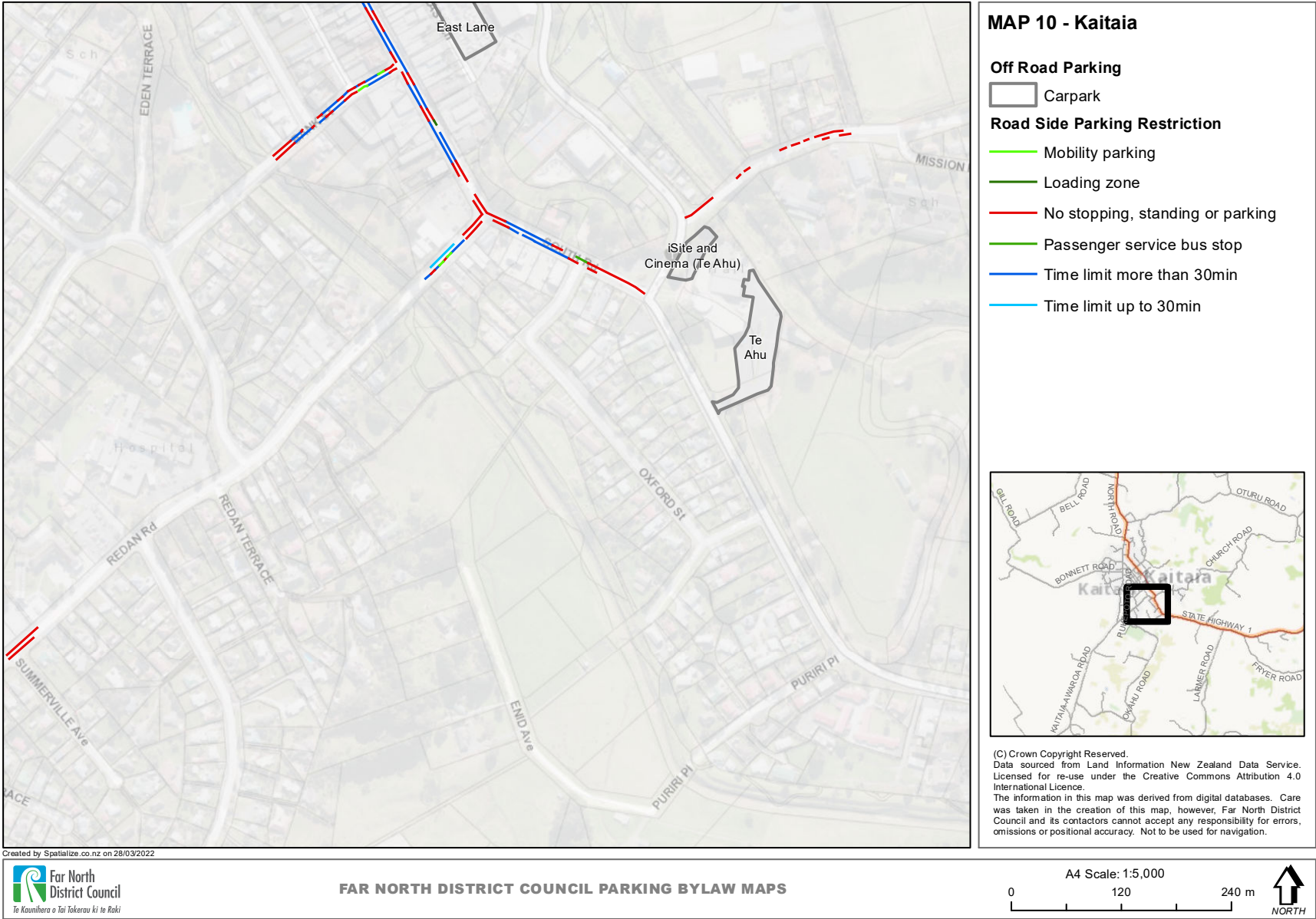
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FAR NORTH DISTRICT COUNCIL PARKING BYLAW MAPS









MAP 11 - Kaitaia

Road Side Parking Restriction

— No stopping, standing or parking

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MAP 12 - Ahipara

Road Side Parking Restriction

- No stopping, standing or parking
- Passenger service bus stop
- Time limit up to 30min

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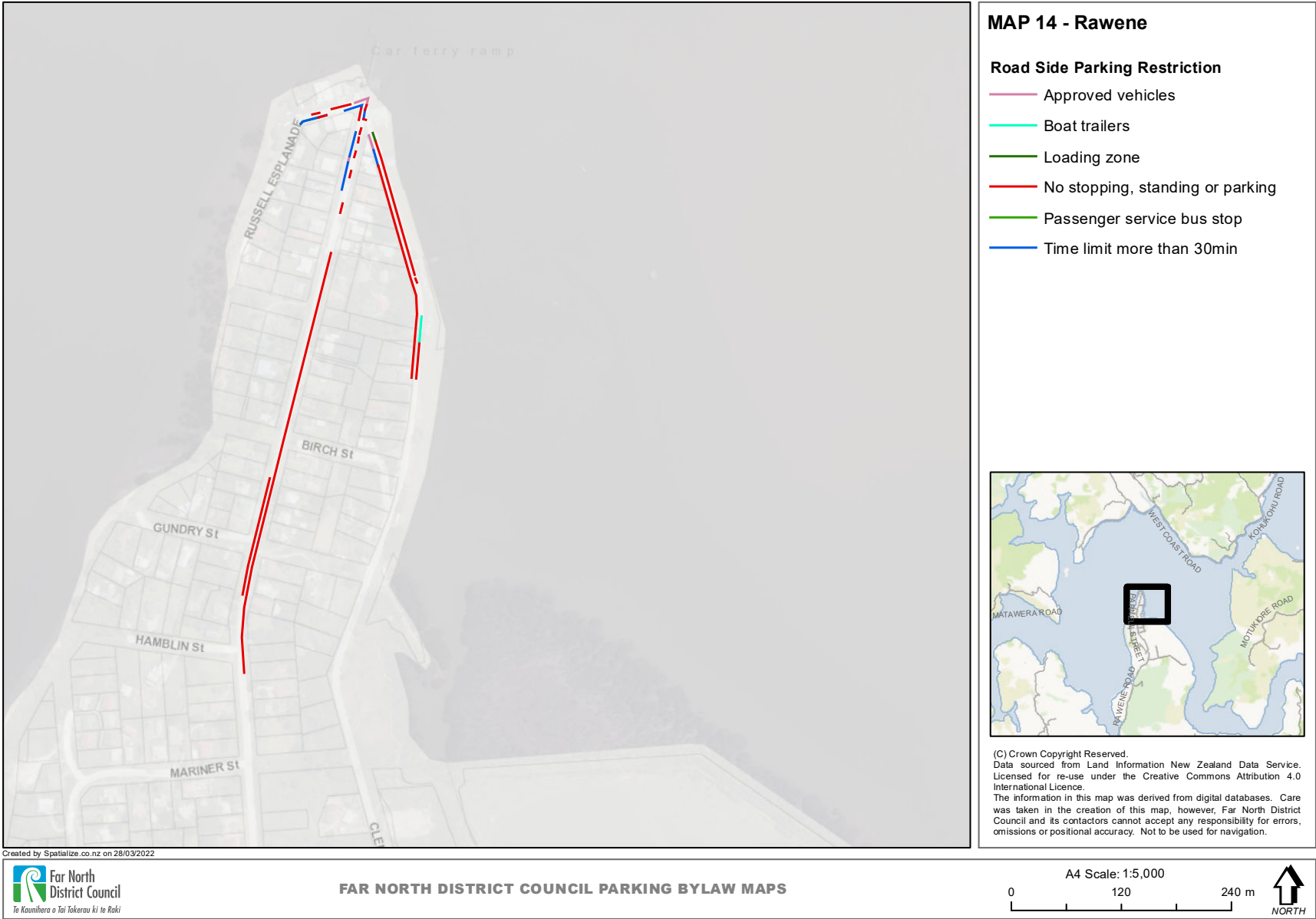


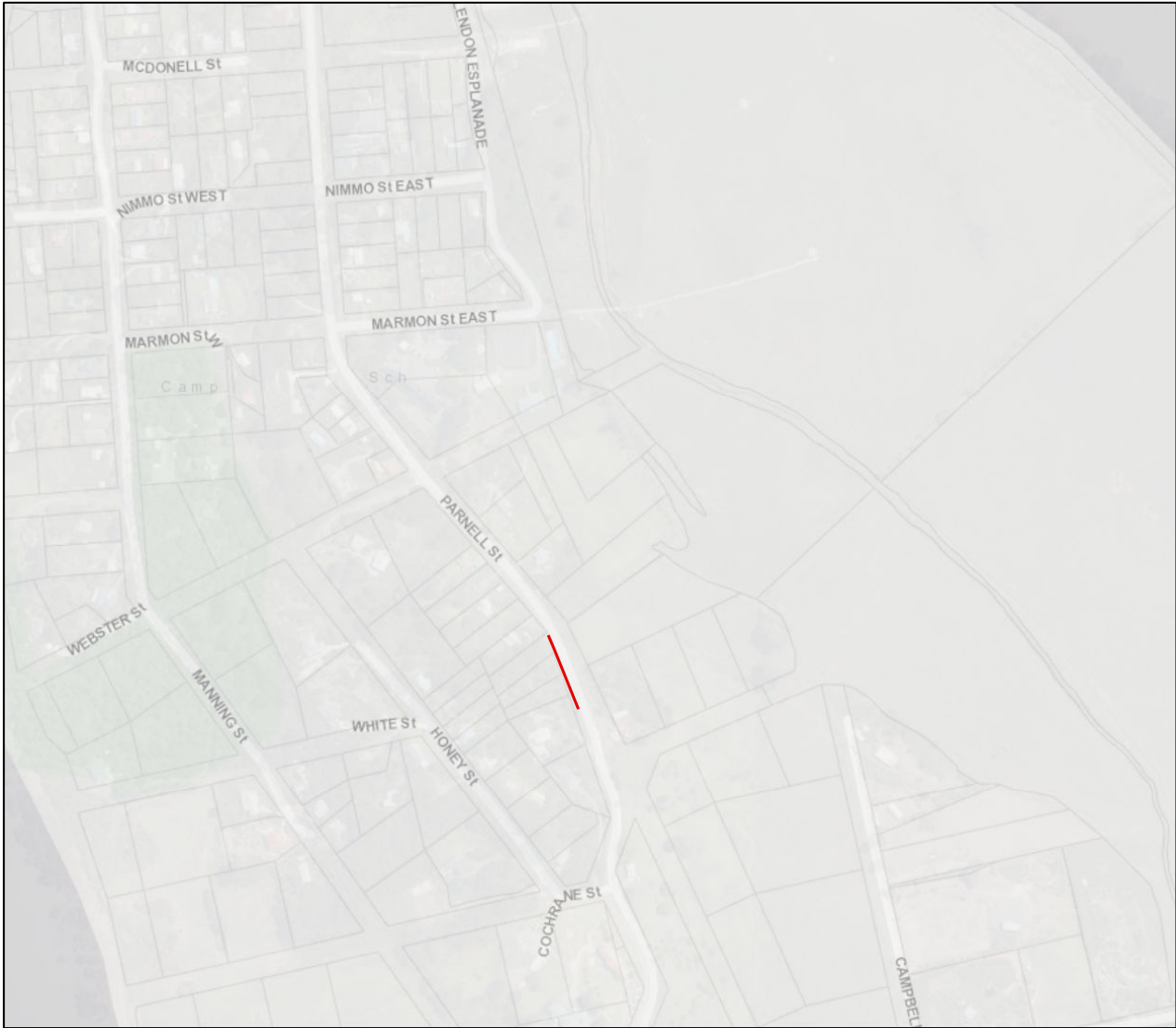
MAP 13 - Kohukohu

Road Side Parking Restriction

— No stopping, standing or parking

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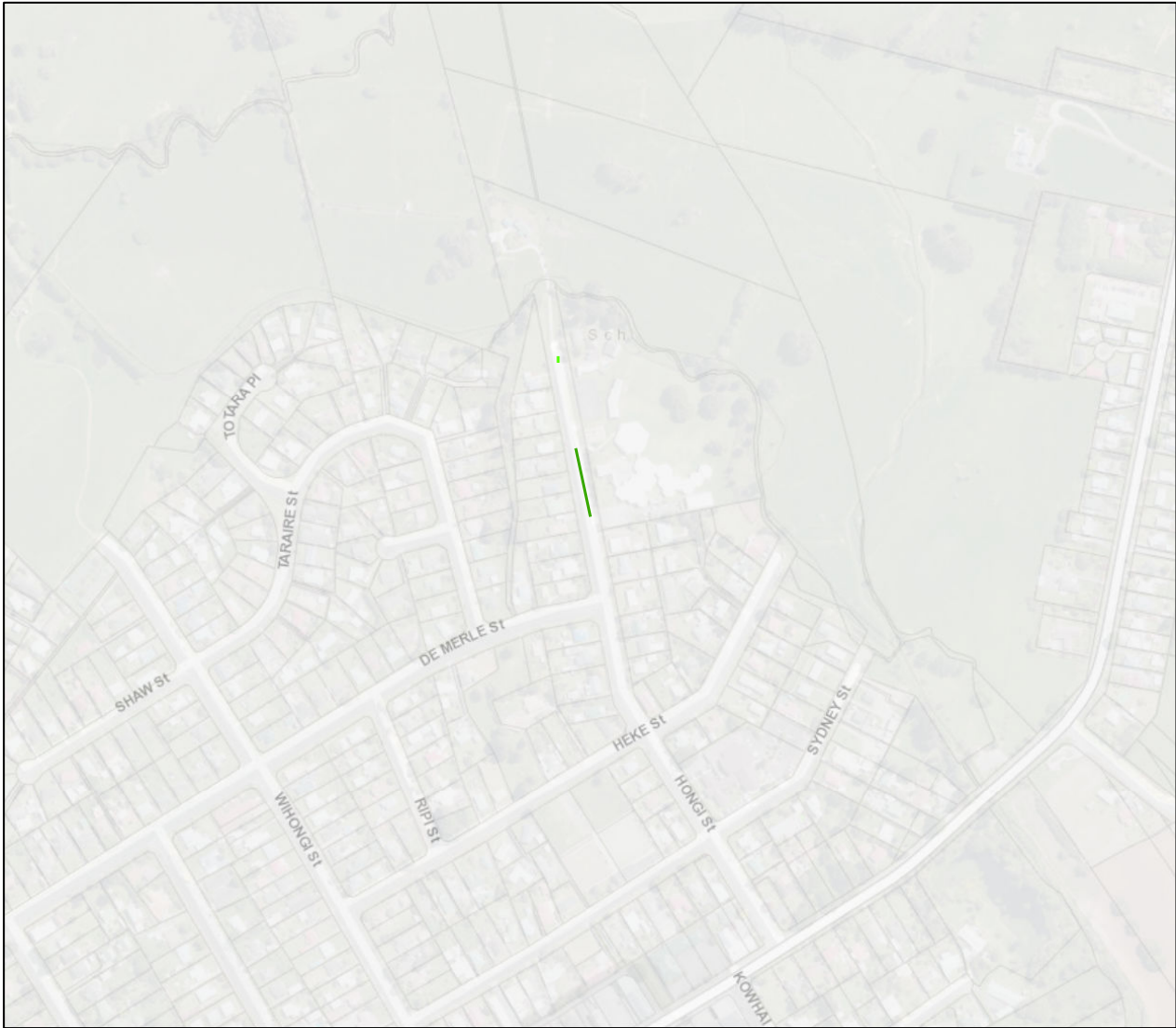
MAP 15 - Rawene

Road Side Parking Restriction

— No stopping, standing or parking

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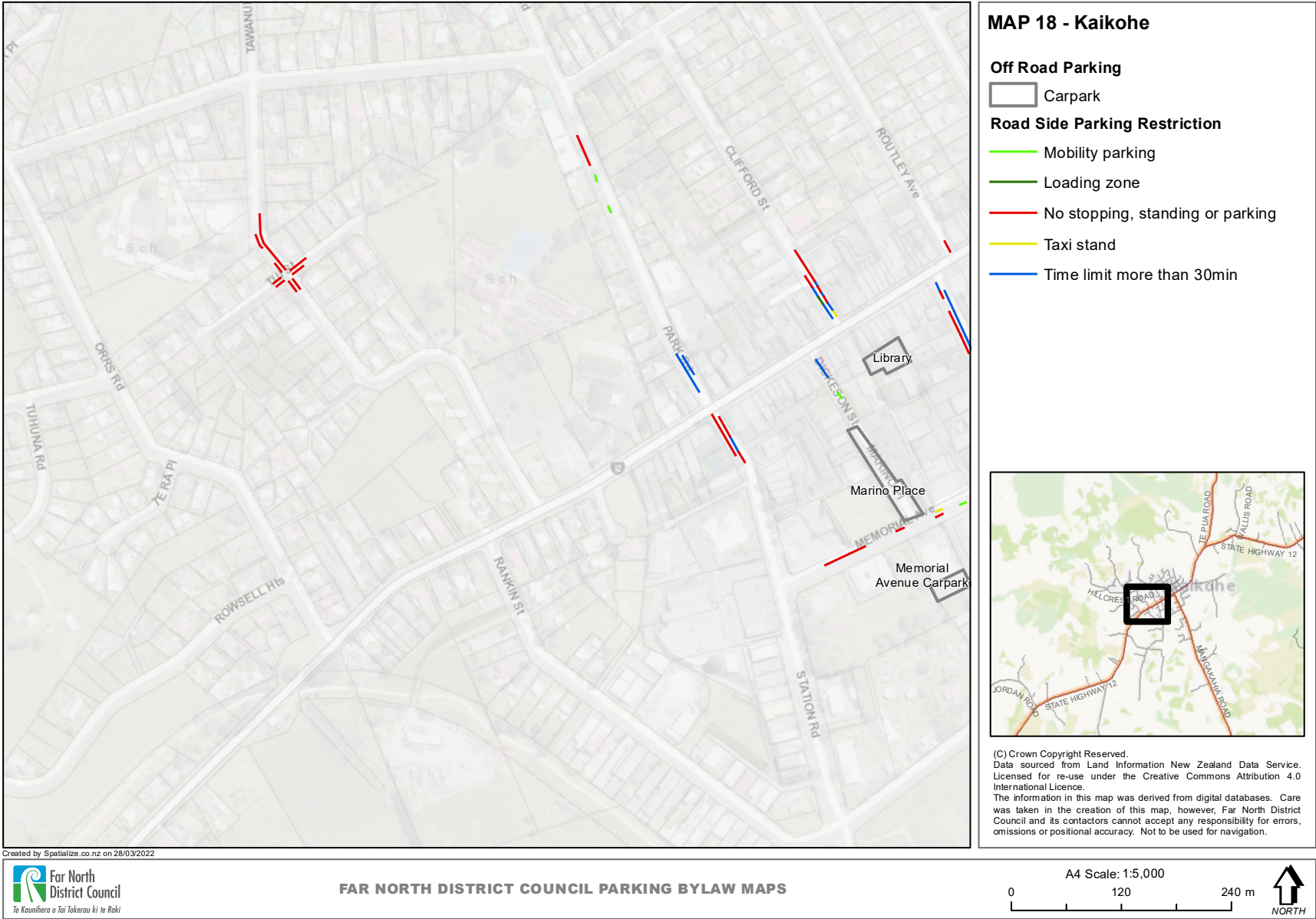


MAP 17 - Kaikohe

Road Side Parking Restriction

- Mobility parking
- Passenger service bus stop

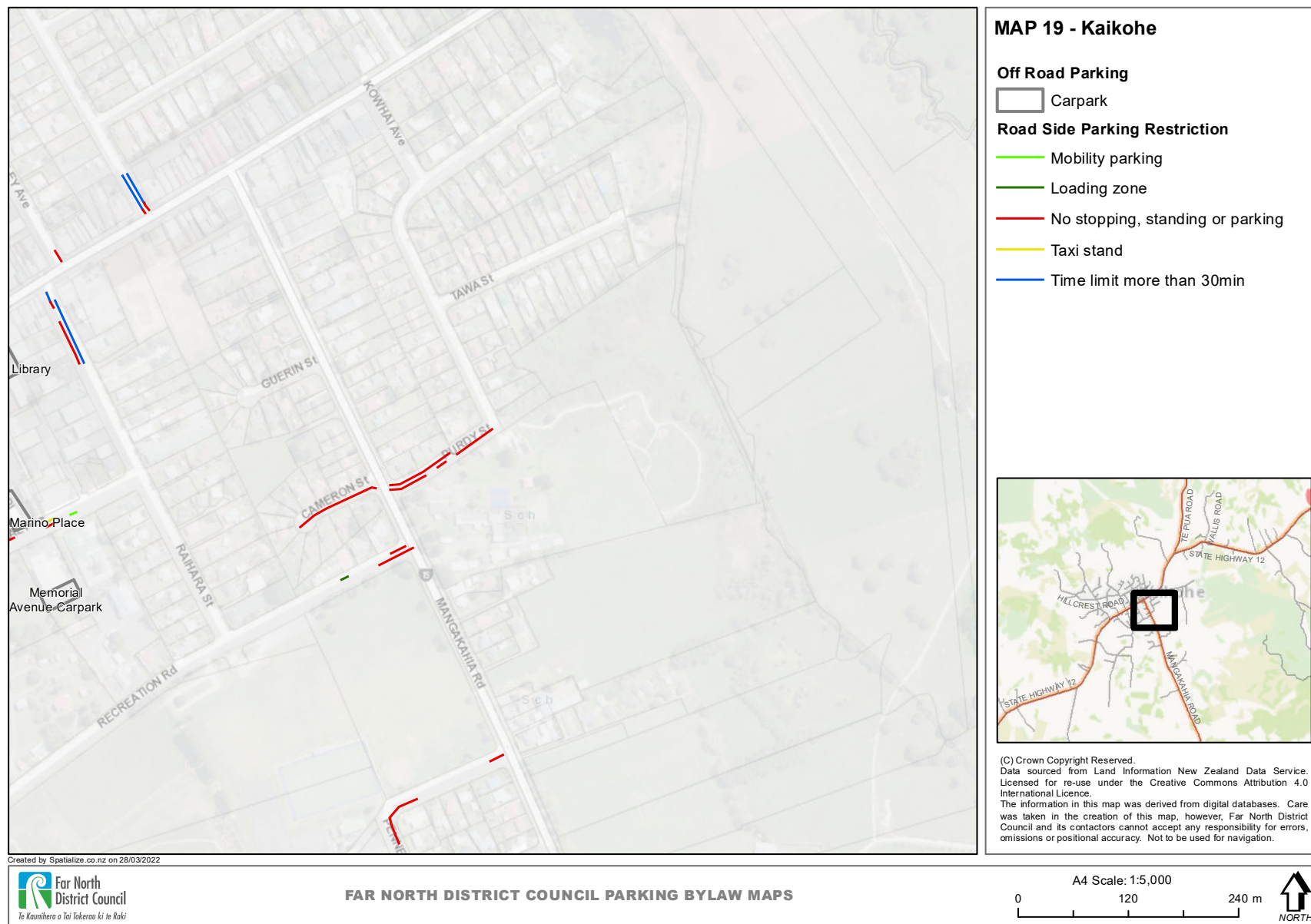
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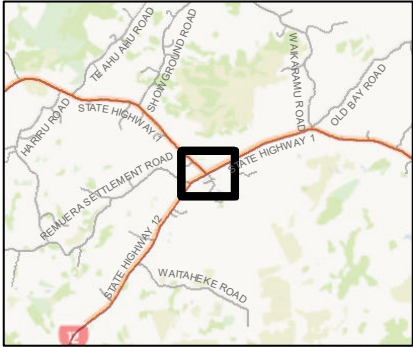
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NORTH





MAP 20 - Ohaewai

Road Side Parking Restriction
 No stopping, standing or parking

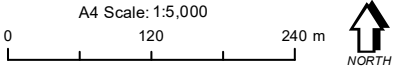


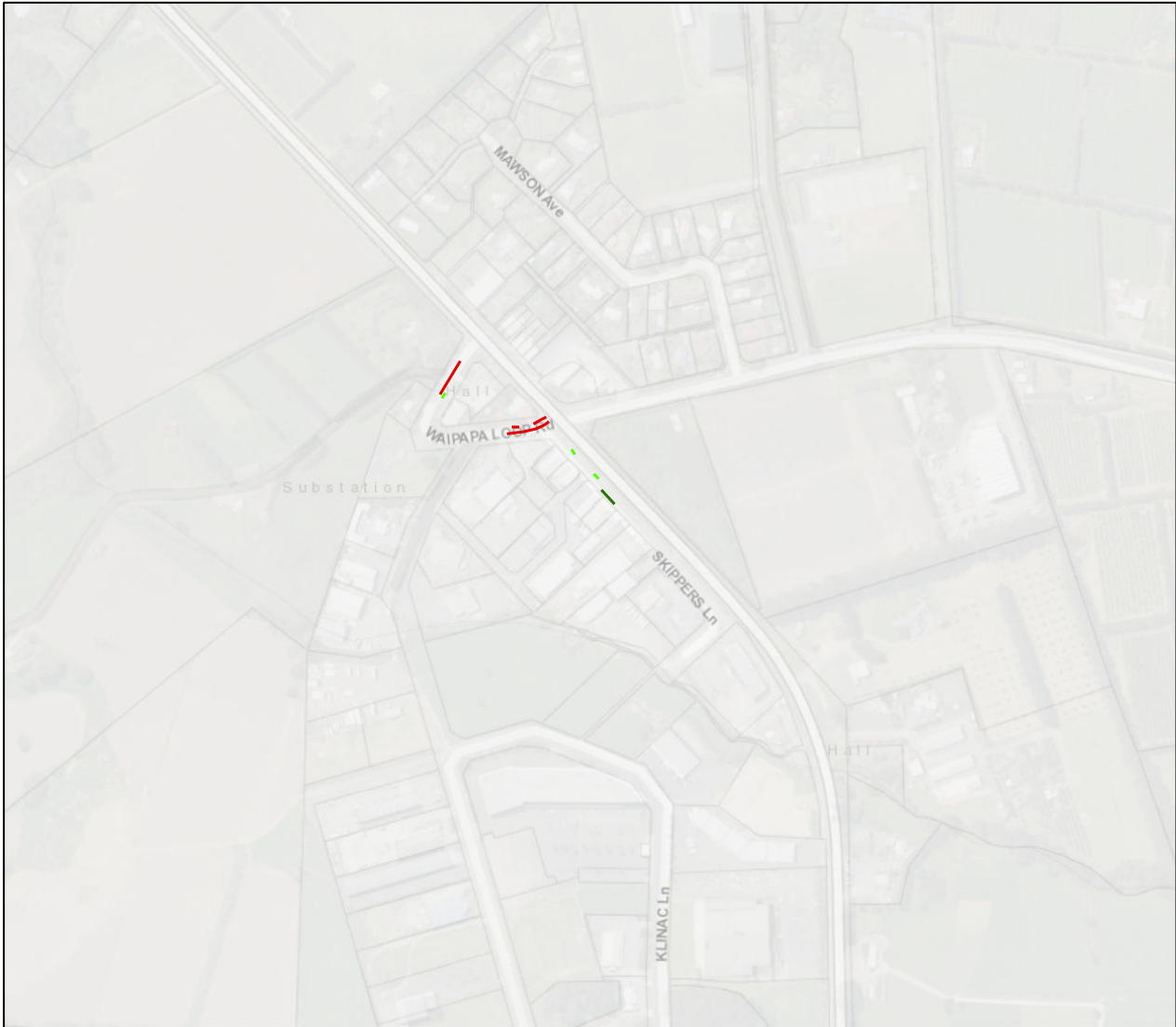
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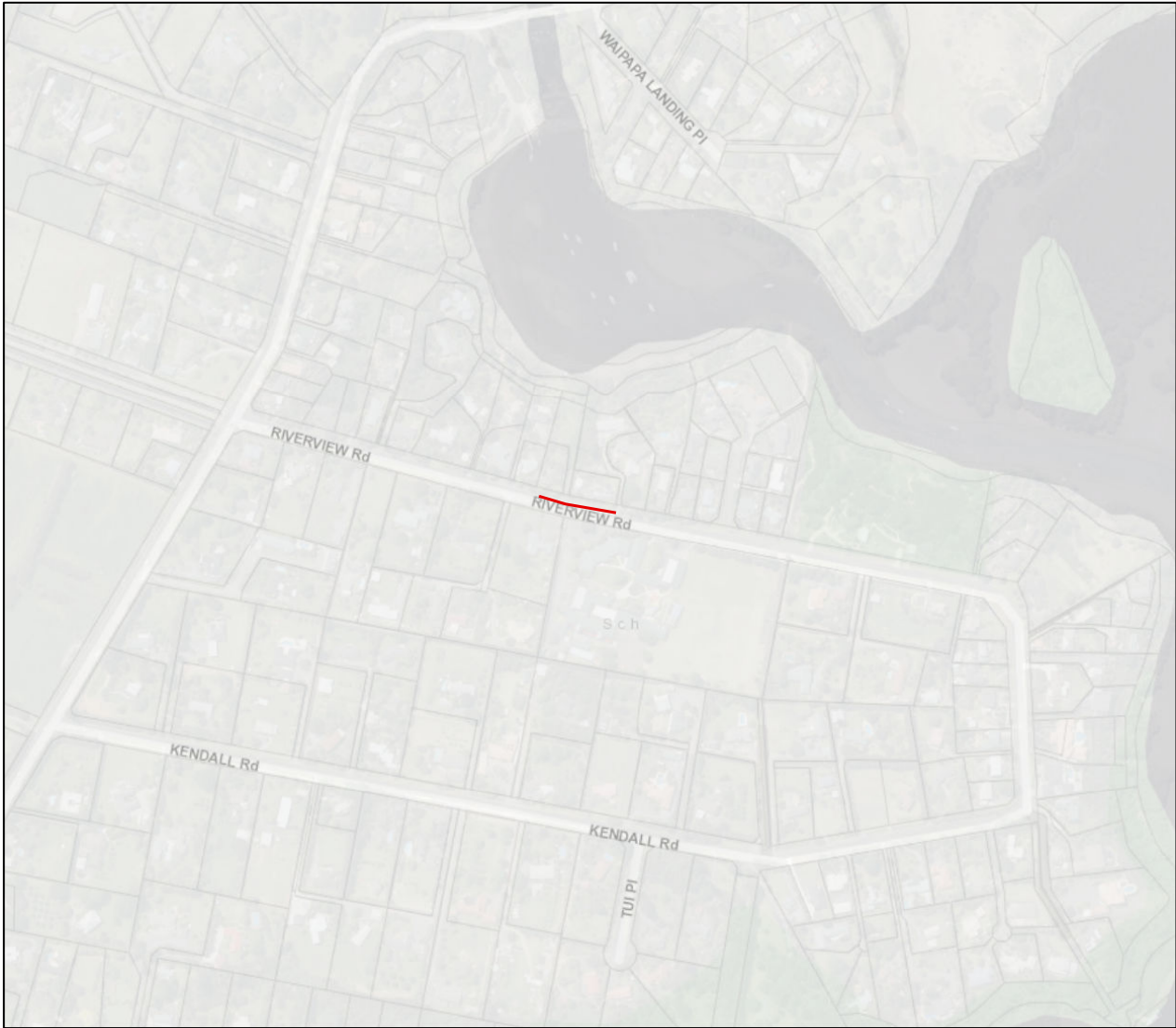


MAP 21 - Waipapa

Road Side Parking Restriction

- Mobility parking
- Loading zone
- No stopping, standing or parking

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MAP 22 - Kerikeri

Road Side Parking Restriction

— No stopping, standing or parking

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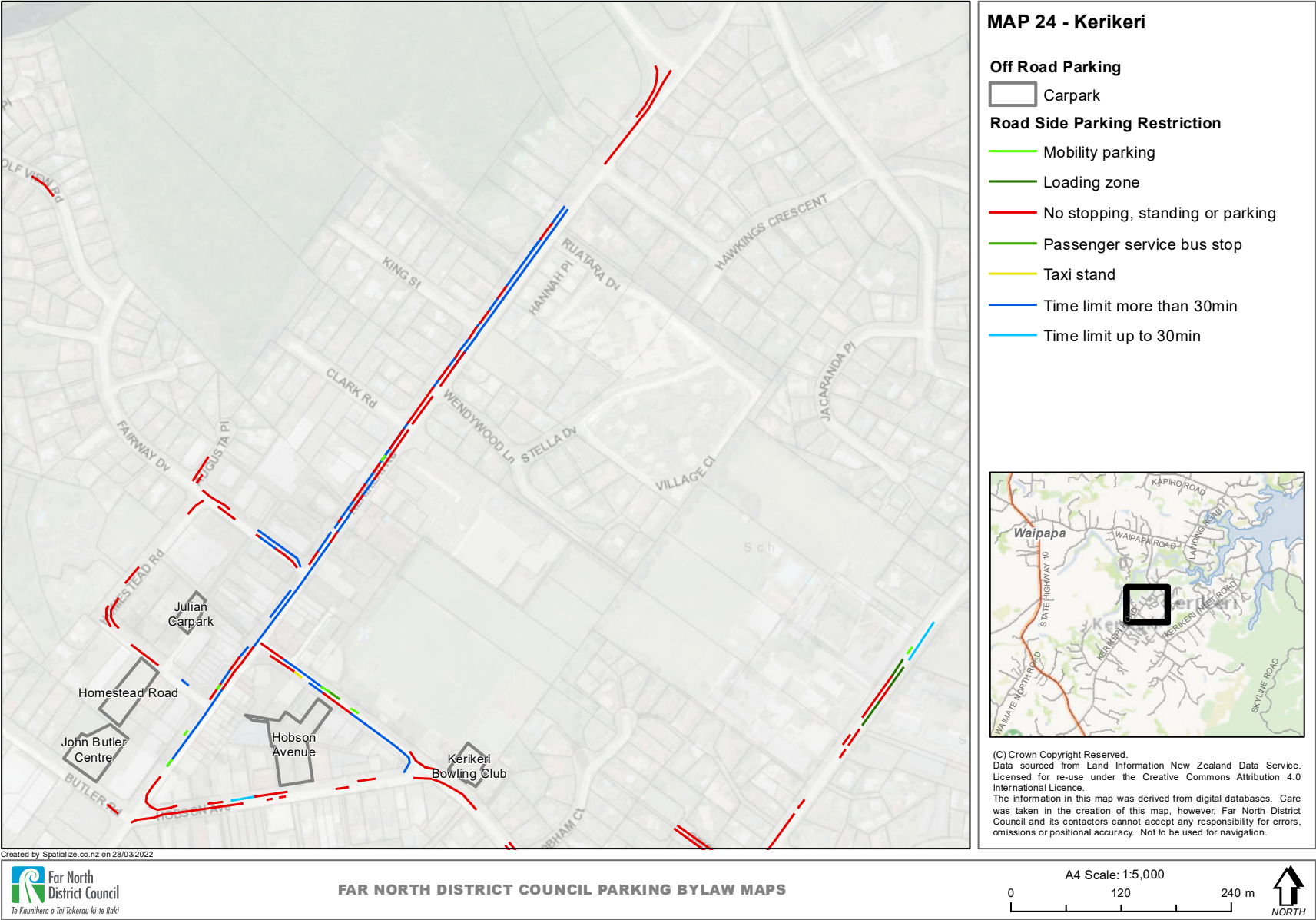


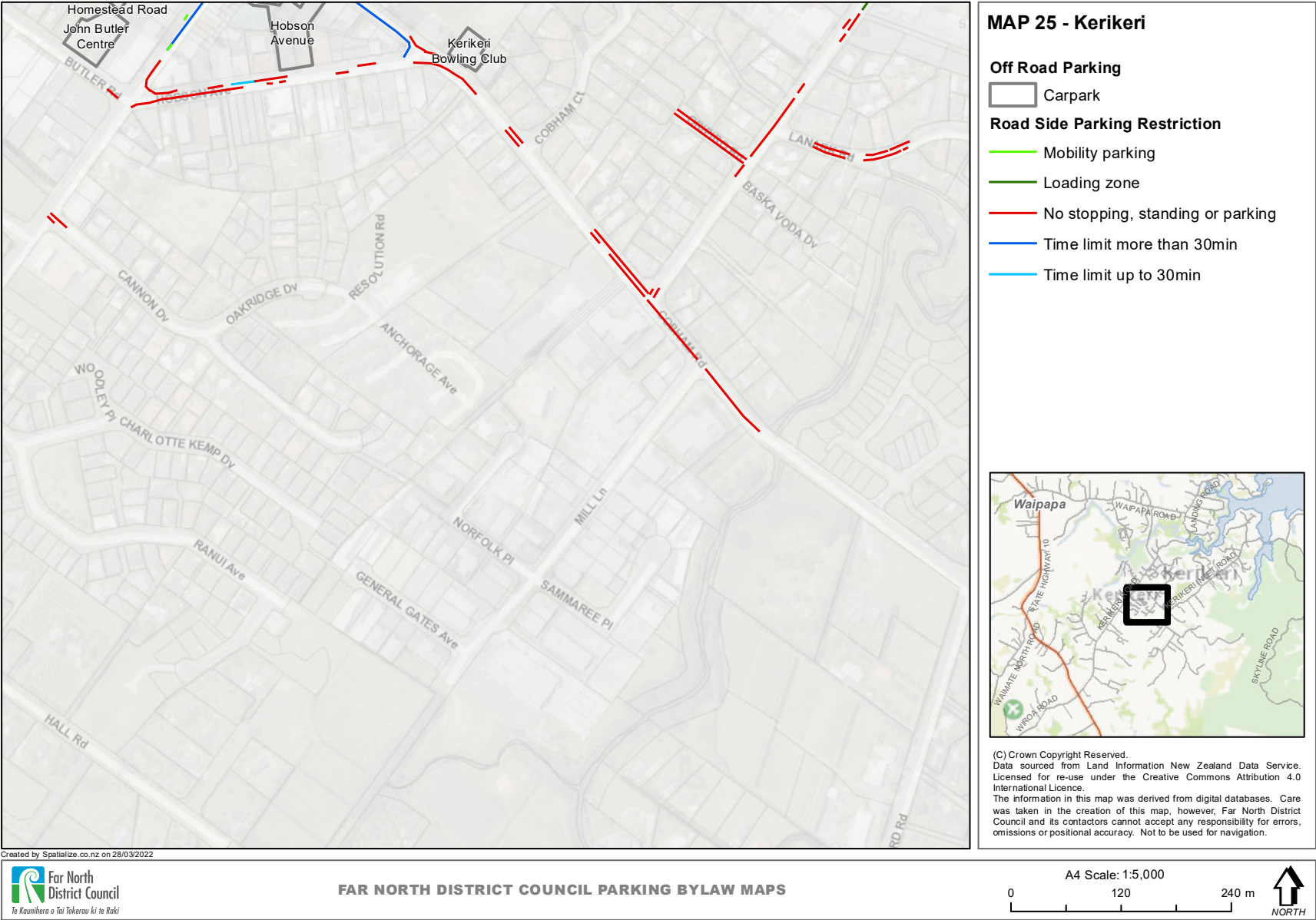
MAP 23 - Kerikeri

Road Side Parking Restriction

- No stopping, standing or parking
- Passenger service bus stop

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MAP 26 - Kerikeri

Road Side Parking Restriction

— No stopping, standing or parking

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MAP 27 - Kerikeri

Road Side Parking Restriction

— No stopping, standing or parking

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MAP 28 - Haruru Falls

Road Side Parking Restriction

— No stopping, standing or parking

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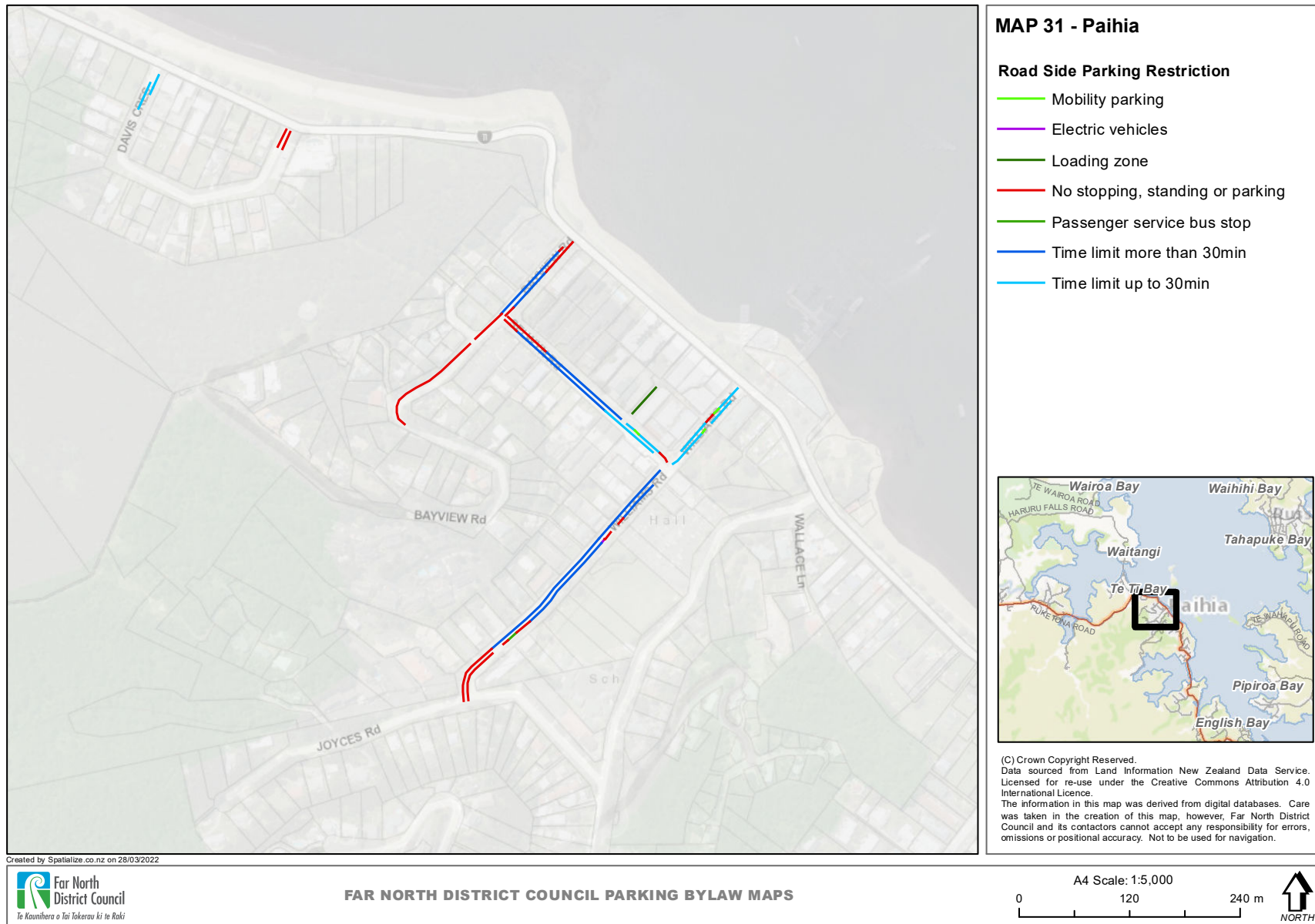
MAP 29 - Paihia

Road Side Parking Restriction

— No stopping, standing or parking

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MAP 32 - Paihia

Road Side Parking Restriction

- No stopping, standing or parking
- Passenger service bus stop

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MAP 33 - Russell

Road Side Parking Restriction

 No stopping, standing or parking



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MAP 35 - Russell

Road Side Parking Restriction

 No stopping, standing or parking



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MAP 36 - Opua

Road Side Parking Restriction

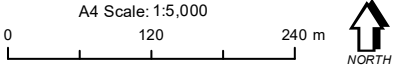
- Boat trailers
- No stopping, standing or parking
- Time limit more than 30min
- Time limit up to 30min

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FAR NORTH DISTRICT COUNCIL PARKING BYLAW MAPS



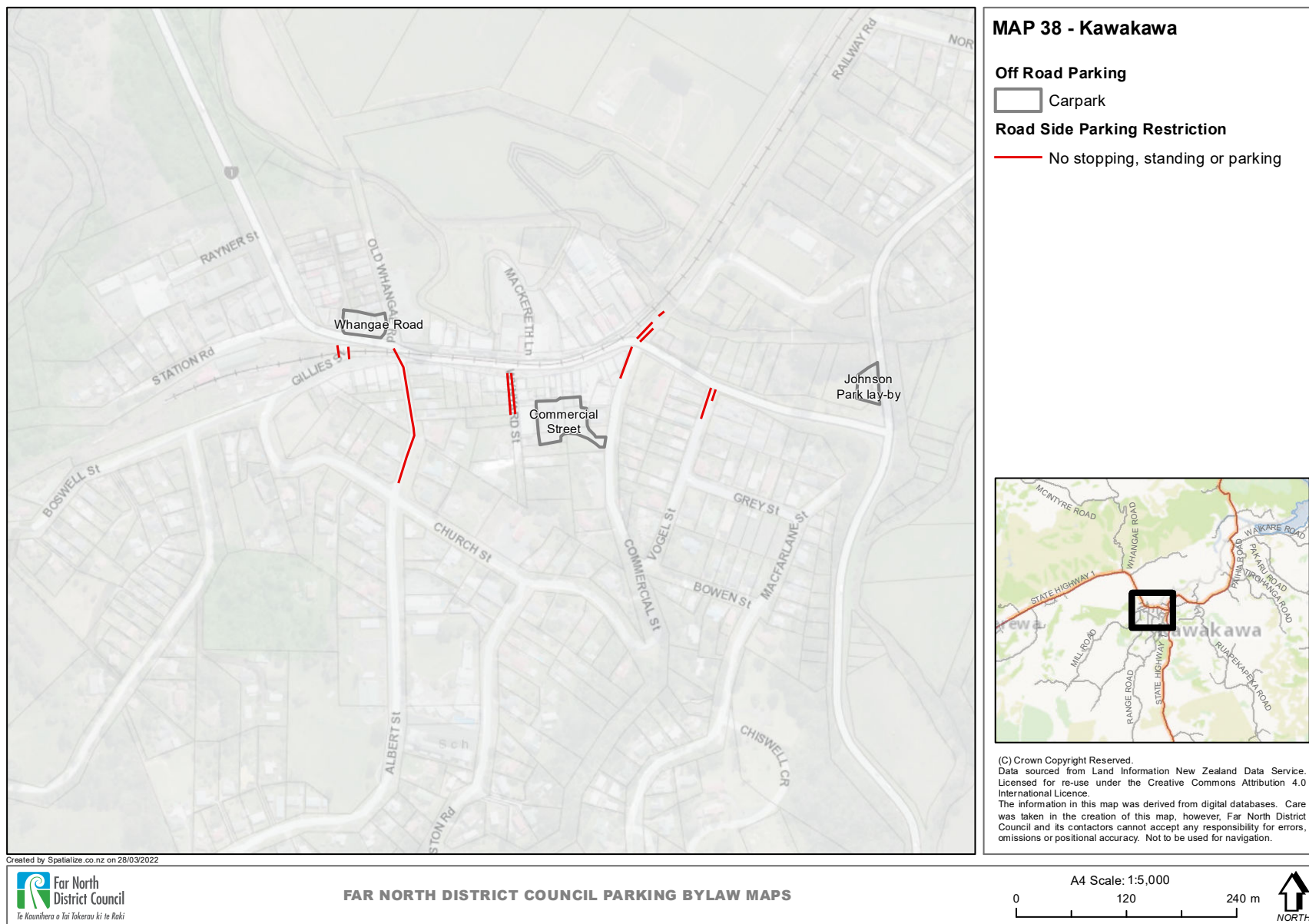


MAP 37 - Moerewa

Road Side Parking Restriction

— No stopping, standing or parking

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MAP 39 - Kawakawa

Road Side Parking Restriction

- No stopping, standing or parking
- Passenger service bus stop

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MAP 40 - Rawhiti

Road Side Parking Restriction

— No stopping, standing or parking

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5.4 ROAD USE BYLAW - RECOMMENDATIONS FOR MAKING NEW BYLAW**File Number: A3657126****Author: Kirsten Griffiths, Strategic Planner****Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To approve the adoption of the Road Use Bylaw based on staff recommendations.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- On 21 May 2020, the Council agreed that a bylaw is appropriate to regulate or control trading in public places.
- On 20 May 2021, the Council agreed that two new bylaws regulating parking and road use are the most appropriate way to regulate or control the use of roads and adjoining land.
- During the development of the Road Use Bylaw, staff identified provisions in several other bylaws and policies which could be streamlined into one comprehensive bylaw, namely, the Skating and Cycles Bylaw, Nuisances Bylaw, Alfresco Dining Policy, and the Vehicles on Beaches Bylaw (revoked March 2022).
- On 7 September 2021, the Strategy and Policy Committee approved a proposal for a new Road Use Bylaw to be released for public consultation.
- This consultation took place from 13 September to 15 October 2021 with six submissions received.
- Council staff have analysed the submissions and recommend changes to the draft bylaw in response to these submissions (see Attachment 1).
- On 24 February 2022, the Council agreed that the inclusion of provisions regulating vehicles on beaches in the new Road Use Bylaw is appropriate to manage problems related to vehicle use on beaches.
- On 24 February 2022, the Council approved a proposal for the inclusion of provisions regulating vehicles on beaches in the new Road Use Bylaw to be released for public consultation.
- This consultation took place from 25 February 2022 to 24 March 2022 with eighty submissions received.
- Council staff have analysed the submissions and recommend changes to the draft bylaw in response to these submissions (see Attachment 2).
- Attachment 3 is the proposed final new bylaw for adoption.
- Attachment 4 is a “track changes” version of the new bylaw provided for ease of reference. The “track changes” highlight both the included provisions regulating vehicles on beaches, and the recommended changes in Attachments 1 and 2.
- Attachment 5 is Schedule 5: Maps for the Proposed Road Use Bylaw. Schedule 5 is not part of the bylaw and is provided for ease of reference.
- The numbering of clauses in the recommendations reflects the numbering in the draft bylaw provisions as they were released for the two public consultations. The numbering of some clauses differs in the proposed final new bylaw.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommend that the Council:

- a) **Approve the recommendations in the report on submissions to the Road Use Bylaw (Attachment 1) that:**
 - i) **The bylaw be made pursuant to both the Local Government Act 2002 and the Land Transport Act 1998.**

- ii) **No changes are made to clauses 1, 5, 6, 7, 25, 26, 29, 31, 32, 33, 37, 38, and Schedule 1.**
- iii) **Clauses 2, 3, 4, 8, 9, 12, 13, 14, 16, 19, 20, 21, 23, 24, 27, 34, 36, and Schedule 4 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.**
- iv) **Clauses 10, 11, 15, 17, 18, 22, 28, 30, and 35 are amended to improve certainty and clarity as per the recommendations in section 4.3 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.**
- v) **Schedules 2 and 3 are amended to improve certainty and clarity as per the recommendations in section 4.4 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1.**
- b) **Approve the recommendations in the report on submissions to the inclusion of provisions regulating vehicles on beaches in the Road Use Bylaw (Attachment 2) that:**
 - i) **No changes are made to clauses 6, 30, 32, 33, 34, 41, and 43, and Schedules 6 and 7.**
 - ii) **Clause 31 is amended to improve certainty and clarity as per the recommendations in section 4.2 of the staff report Vehicles on Beaches – Analysis of Submissions in attachment 2.**
- c) **Approve the Road Use Bylaw in attachment 3:**
 - i) **is the most appropriate form of bylaw; and**
 - ii) **the bylaw provisions are considered reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.**
- d) **Make the Road Use Bylaw in attachment 3 pursuant to sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.**
- e) **Approve to revoke the Parking and Traffic Control Bylaw 2010 on the same day the Road Use Bylaw comes into force.**

1) TĀHUHU KŌRERO / BACKGROUND

On 21 May 2020, the Council resolved that a new bylaw is appropriate to regulate or control trading in public places by stalls and mobile shops (Resolution 2020/29 refers). On 20 May 2021, the Council resolved that a new bylaw is appropriate to regulate or control the use of roads and adjoining land, as one of two new bylaws replacing the Parking and Traffic Control Bylaw, which will revoke 17 June 2022 (Resolution 2021/20 refers).

On 07 September 2021, the Strategy and Policy Committee approved a proposal for a new Road Use Bylaw to be released for public consultation.

The period during which people could make submissions on the proposal was 13 September to 15 October 2021. Six submissions were received.

One submitter asked to be heard and made a verbal submission to the Strategy and Policy Committee 26 October 2021.

On 24 February 2022, the Council agreed that the inclusion of provisions regulating vehicles on beaches in the new Road Use Bylaw is appropriate to manage problems related to vehicle use on beaches (Resolution 2022/5 refers).

On 24 February 2022, the Council approved a proposal for the inclusion of provisions regulating vehicles on beaches in the new Road Use Bylaw to be released for public consultation.

The period during which people could make submissions on the proposal was 25 February 2022 to 24 March 2022. Eighty submissions were received.

One submitter asked to be heard and made a verbal submission to the Strategy and Policy Committee 22 March 2022.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The reports in Attachments 1 and 2 summarise the public submissions and make recommended changes to the draft bylaw in response to these submissions. If these recommendations are agreed to, Council staff advise that the Road Use Bylaw in Attachment 3 is an appropriate form of bylaw for the purposes of section 155(2)(a) of the Local Government Act 2002.

Compliance with the New Zealand Bill of Rights Act 1990

As required by section 155(2)(b) of the Local Government Act 2002, before a local authority makes a bylaw, it must determine whether the proposed bylaw has any implications under the New Zealand Bill of Rights Act 1990.

An initial assessment of these implications was included in the Road Use Bylaw Proposal for Consultation. This assessment said:

Part 2 of the New Zealand Bill of Rights Act 1990 sets out twenty rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society.

The proposed Road Use Bylaw may give rise to implications for the following rights (section numbers are references to the sections in the New Zealand Bill of Rights Act 1990):

- *Section 16 – right to freedom of peaceful assembly*
- *Section 18 – right to freedom of movement*
- *Section 21 – right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence.*

The Council will fully assess these implications before it makes the Road Use Bylaw. The preliminary assessment is:

- *section 16 and 18 rights – the bylaw's provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so to for other people's rights and freedoms to be maintained*
- *section 21 rights – the bylaw does not contain any new powers for search or seizure, the applicable powers (that are cross-referenced in the bylaw) are in statutes.*

As part of finalising the Road Use Bylaw, a full assessment of these implications has been completed.

Council staff have identified that the draft Clause 18, subclauses (1) and (2), may be in breach of sections 16 and 18 of the Bill of Rights Act. Therefore, Council staff have recommended that these subclauses are removed from the Road Use Bylaw, as detailed in the report in Attachment 1.

No other recommended changes in the reports in Attachment 1 and 2 have new implications under the New Zealand Bill of Rights Act 1990.

Staff have assessed the new bylaw, and the recommended changes comply with the legislative requirement. Regarding section 16 and 18 rights, the provisions in the new Road Use Bylaw (including the recommended changes) are justified because they only limit the rights of individuals to the extent it is reasonable to do so to for other people's rights and freedoms to be maintained. Regarding section 21 rights, the bylaw does not contain any new powers for search or seizure, the applicable powers (that are cross-referenced in the bylaw) are in statutes.

Therefore, the final assessment is that Council staff consider the bylaw provisions, as recommended to be amended, are reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

Implications for Māori

There will be impacts on tāngata whenua from the regulation of road use and especially of vehicles on beaches. Where structures or mobile shops are allowed on roads, or where the Council regulates the

use of vehicles on beaches, the location of these things will need to be compatible with the protection of sites that are significant to Māori. The significance could be for traditional, spiritual, religious, ritual, or other reasons. In addition, where the Council regulates the use of vehicles on beaches, proper consideration should be given to customary rights and access to fisheries.

As part of earlier work on vehicles on beaches, engagement was undertaken with tāngata whenua in 2021. The provisions in the Road Use Bylaw will provide the Council with a mechanism to protect significant sites through the provision of scheduled areas where vehicles are prohibited or restricted, subject to proper engagement and consultation. The schedules to the Road Use Bylaw only include Coopers Beach, and the inclusion of other beaches will require a separate consultation process.

Timing for making the bylaw

The Council's current Parking and Traffic Control Bylaw will revoke on 17 June 2022 under section 160A of the Local Government Act 2002 because it was not reviewed by the date required under that Act. If the recommendations in this report are agreed to, the new Road Use Bylaw will be made before the current bylaw is revoked, ensuring ongoing regulation of the traffic control provisions in the Parking and Traffic Control Bylaw.

Changes from the current bylaws to the new bylaw

The new Road Use Bylaw will be significantly different to the current and former bylaws and policies, as it will cover matters that were formerly controlled by:

- Traffic control provisions in the Parking and Traffic Control Bylaw
- Mobile Shops and Hawkers Bylaw (revoked 2017)
- Skating and Cycles Bylaw
- Nuisances Bylaw
- Alfresco Dining Policy
- Vehicles on Beaches Bylaw (revoked March 2022)

The new Road Use Bylaw will streamline the regulation of activities on roads and adjoining land into one comprehensive bylaw. The provisions in the new Road Use Bylaw are consistent with the current and former bylaws and policies in their effect.

Take Tūtohunga / Reason for the recommendation






The Road Use Bylaw in Attachment 3 can be made, pursuant to sections 145 and 146 of the Local Government Act 2002, because, following the changes recommended in the report in Attachment 1, it:

- a. is an appropriate form of bylaw; and
- b. the bylaw provisions will be reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

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

The costs to implement the new bylaw will come from existing operational budgets.

ĀPITIHINGA / ATTACHMENTS

1. Road Use Bylaw - Analysis of Submissions - A3678677 [↓](#) 
2. Vehicles on Beaches - Analysis of submissions - A3678688 [↓](#) 
3. Final Road Use Bylaw - A3678691 [↓](#) 
4. Draft Proposed Road Use Bylaw showing all tracked changes - A3678695 [↓](#) 
5. Final Road Use Bylaw Schedule 5 Maps - A3658659 [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	In line with the Significance and Engagement Policy the recommendation to make the bylaw will have little effect on financial thresholds, ratepayers, specific demographics, or levels of service. The recommendation is consistent with existing plans and policies. Therefore, the level of significance is low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Local Government Act 2002 sections 82, 146, 155, 158, and 160 apply to the decision recommended in this report.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	As the bylaw regulates activities on roads and adjoining land across all of the wards of the District the proposal has District-wide relevance and is not within the delegations of Community Boards to consider.
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.	There will be impacts on Māori from the regulation of road use and of vehicles on beaches. Engagement was undertaken on vehicles on beaches in 2021. The provisions in the Road Use Bylaw are consistent with existing provisions in the Parking and Traffic Control Bylaw, and provisions in other current and previous bylaws and policies, as detailed in the discussion. The provisions regulating vehicles on beaches retain the status quo from the Vehicles on Beaches Bylaw. The addition of any other beach to the schedules will require appropriate consultation with Māori. Māori had an opportunity to contribute during the consultation process.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example	Affected and interested parties were given an opportunity to share their views and preferences during

– youth, the aged and those with disabilities).	the consultation phase, as detailed in Attachments 1 and 2.
State the financial implications and where budgetary provisions have been made to support this decision.	The cost of continuing the provisions of the existing bylaw in a new bylaw is covered by current operational budgets.
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer.

Analysis of submissions and recommendations

Road Use Bylaw

1 Background

On [20 May 2021](#), under section 155(1) of the Local Government Act 2002, the governing body of the Far North District Council (“the Council”) agreed that a new bylaw, made under the Land Transport Act 1998, is appropriate to regulate road use in the Far North District. Section 22AB of the Land Transport Act 1998 gives the Council broad powers to regulate all aspects of road use. On 7 September 2021 the Strategy and Policy Committee approved a proposal for a new Road Use Bylaw to be released for public consultation. The period during which people could make written submissions on the proposal was from 13 September 2021 to 15 October 2021. Six written submissions were received. The committee heard oral submissions on 26 October 2021, and one oral submission was made (Submission 3).

This report analyses the submissions and makes recommendations for amendments to the draft Road Use Bylaw. A numbered list of submissions is in the Appendix and these numbers are used to refer to the individual submissions in the body of this report.

Council staff from the following teams contributed to the analysis of the submissions:

- Strategy Development
- Environmental Services
- District Planning
- Asset Management and Infrastructure Planning
- Northern Transport Alliance
- Legal Services Team

2 Summary of submissions

Six submissions were received, with four of these made online using a submissions form that asked people to state whether they supported the proposed Road Use Bylaw, and whether they supported each of nine parts and other provisions of the draft bylaw. Of the four online submissions, one supported the proposed Road Use Bylaw in full, and three supported it in part. One of those that supported the bylaw in part (Submission 4) was in support of all clauses in the draft bylaw, but wished to propose an addition to the Schedules. The analysis and recommendations section of this report will address the individual issues raised in the submissions.

Two written submissions were received that did not use the online form. They did not explicitly state whether or not they were in support of the Road Use Bylaw. However, both submissions raised issues with specific parts of the draft bylaw, rather than any general disagreement with its overall aims. The analysis and recommendations section of this report will address the individual issues raised.

In addition, one late submission was received in March 2022, outside the submission dates for the Road Use Bylaw, as part of the submissions regarding the insertion of provisions regulating vehicles on beaches into the Road Use Bylaw. Council staff consider that one of the points they raised regarding Clause 10 of the Road Use Bylaw should be addressed in this report and have included it.

3 General feedback

The following feedback was received that is not related to a specific clause in the draft bylaw.

3.1 The Council should make one new bylaw (Option One)

Submission 6 said that the Council should make one new bylaw to regulate both parking and road use under the Land Transport Act 1998 and the Local Government Act 2002. This was in reference to the analysis of options described in the Road Use Bylaw Proposal document (pp.2-3).

Staff analysis

The Council has already determined on 20 May 2021 that two new bylaws, one to regulate parking and one to regulate road use, made under the Land Transport Act 1998, are the most appropriate way to regulate parking and road use in the Far North District (that is, Option Two). Therefore, this feedback is outside the scope of the consultation on the Road Use Bylaw.

Staff recommendation

Staff recommend that no change should be made in response to this submission.

3.2 The Council should not overreach its authority or be involved in political bias

Two submissions made comments suggesting that the Council is overreaching its authority. Submission 1 felt that the Road Use Bylaw *“could be framed and written in a more user friendly way and a less authoritarian/ dictatorial way.”*

Submission 2 made a number of related comments. With regard to Part 4: Trading on roads and footpaths (clauses 12-14), Submission 2 felt that it was inappropriate for the Council to tell businesses what they can or cannot do. In addition, they said of part 4 that they *“fear that this will be used to prevent legitimate assembly for the purposes of political protest, as we have already seen in some parts of New Zealand.”* This issue was also raised in their comment on Clause 18, and is addressed more specifically below, under the discussion of that clause (4.3).

With regard to the Schedules, Submission 2 said that they *“feel Council is taking on too much authority at the expense of private individuals and business.”* In general comments, this submitter also stated that in their view the bylaw had many flaws, and the Council should avoid the *“possibility of being involved in social conditioning or political bias.”*

Staff analysis

The feedback from Submission 1 is related to the style of communication rather than the substance of the bylaw. The wording of the bylaw itself should be determined by clarity and accuracy. Council staff agree that communication with the public should also be user friendly as much as possible. Council staff will ensure that other related communications to do with the Road Use Bylaw, such as explanatory information on the Council website, will be easy for members of the public to navigate and understand.

Submission 2 expressed a view that a number of the provisions in the Road Use Bylaw are inappropriately prescriptive regarding the use of private property, business activities, and the right of people to protest. Submission 2 also stated that the Council risks being involved in social conditioning or political bias through the provisions of the draft Road Use Bylaw. This view appears to express a general discomfort with any regulations being imposed by the Council on the behaviour of private individuals and businesses.

Council staff agree that members of our communities should be free to use their private property, engage in business activities, and gather to protest as they see fit, but that this must always be balanced against the need to ensure safety, accessibility, and prevention of nuisance for other community members. Therefore, it is appropriate for council to regulate the use of public places such as roads. The provisions of the Road Use Bylaw are intended to ensure this balance is maintained in a way that is fair for all members of the community.

Staff recommendation

Staff recommend that no change should be made in general in response to these submissions, however see below (4.3) for specific discussion of Clause 18 and proposed amendments to that clause.

3.3 The Council should ban all bicycles, skateboards, and scooters on footpaths

Submission 3 was made both in writing and orally. The submitter raised concerns about nuisance, antisocial behaviour, and safety issues associated with the use of skateboards, bicycles, and scooters on footpaths in CBD areas. His written and oral submissions made the following points –

- The Council should ban all bikes, skateboards, and scooters (with the exception of mobility scooters) on footpaths.
- There is concern that the bylaw will not come into force until next year (2022).
- Better signage is needed to communicate the rules that are already in place.
- There is a lack of appropriate enforcement of the rules.

Staff analysis

The submitter expressed significant concerns about public safety, and felt that the Council should ban all bikes, skateboards, and scooters (with the exception of mobility scooters) on footpaths. He also expressed concern about when the bylaw would come into effect.

Some of the concerns are already covered in legislation. Under the Land Transport (Road User) Rule 2004, riding any kind of cycle on a footpath is prohibited. More generally, riding any kind of vehicle in a dangerous manner is prohibited under the transport legislation, and as such is a matter for the police to enforce. Bicycles are not included in the proposed Road Use Bylaw because they are already prohibited from footpaths in the existing law.

Unlike bicycles, skateboards and scooters (and similar wheeled recreational devices) are generally allowed on footpaths. Under the Land Transport (Road User) Rule 2004, they must be operated in a safe manner. In the scheduled CBDs (Schedule 2, Part C), the use of these devices is not compatible with pedestrian safety, and so it is appropriate for the Council to prohibit them in a bylaw. Both the existing Skating and Cycles Bylaw 2012 and the proposed Road Use Bylaw prohibit the use of wheeled recreational devices (skateboards, scooters, etc.) in the specified CBD areas. While the proposed Road Use Bylaw will not come into force until mid-2022, the rules banning skateboards and scooters from the specified CBDs are already in place.

The concerns regarding signage and enforcement are operational matters and will be conveyed to the appropriate staff. They are outside the scope of the proposed Road Use Bylaw.

Staff recommendation

Staff recommend that no change should be made in response to this submission.

4 Analysis and recommendations regarding the bylaw wording

4.1 Staff recommendations for amendments and drafting clarifications

Legal advice was received recommending a number of amendments. Staff also identified typographical errors and wording that required clarification. These amendments, clarifications, and corrections are addressed in this subsection 4.1.

The Bylaw should be made under both the Local Government Act 2002 and the Land Transport Act 1998.

Legal advice was received that the Road Use Bylaw should be made under both the Local Government Act 2002 and the Land Transport Act 1998. This is based on a problem with Clause 9: Vehicles containing offensive matter not to be left on road.

Clause 9 states that vehicles containing offensive matter such as manure or offal should not be left on the road, or a place adjoining a road, within 30 metres of a dwelling. Legal advice was received that the bylaw-making powers around parking under the Land Transport Act 1998 do not allow the Council to restrict parking without signage, or to restrict parking on private land. As currently drafted, this clause may be *ultra vires* (beyond the powers granted to the Council to make bylaws under the Land Transport Act 1998).

Clause 9 contains similar provisions to clause 1106 in the Nuisances Bylaw 1990 (made under the Health Act 1956), and it is intended to replace that clause in the Nuisances Bylaw (as per Clause 33 of the draft Road Use Bylaw). Since the intention of the clause is to prevent nuisance, it would be within the bylaw-making powers in the Local Government Act 2002. Based on the legal advice received, Council staff recommend amending the draft Road Use Bylaw, to make it under both the Local Government Act 2002 and the Land Transport Act 1998. This change does not alter any of the provisions of the draft Road Use Bylaw, but rather only ensures that the proposed provisions are enforceable according to the appropriate legislation. Therefore, according to the Council's Significance and Engagement Policy it does not require further consultation to be undertaken.

In addition, there are a few other points at which making the Road Use Bylaw under both the Local Government Act 2002 and the Land Transport Act 1998 will improve the bylaw. The Local Government Act will be appropriate to cover restrictions on wheeled recreational devices on roads which are state highways (clause 8) and prevention of nuisance from busking or similar activities (Clause 18). No drawbacks have been identified to this proposed amendment.

Staff recommendations

The Road Use Bylaw be made under both the Local Government Act 2002 and the Land Transport Act 1998.

Clause 2 Related information boxes

Council staff recommend a minor change to clause 2 (c), to clarify how the related information boxes may be amended.

Staff recommendations

Clause 2 (c) be amended by inserting the words “by Council” after the word “removed”.

“Tracked changes” to the clause as recommended to be amended

Boxes headed “Related information” in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed by Council without any formality.

Clause 3 Commencement

Council staff recommend a minor change to clause 3, to specify the date on which the bylaw comes into force.

Staff recommendations

Clause 3 be amended by omitting the words “two days after the date it is made by the governing body of the Far North District Council” and substituting the words “on 23 May 2022”.

“Tracked changes” to the clause as recommended to be amended

This bylaw comes into force ~~two days after the date it is made by the governing body of the Far North District Council~~ on 23 May 2022.

Clause 4 Application

Council staff recommend deleting the “Related information” box to clause 4, as it will no longer apply if the Road Use Bylaw is made under both the Local Government Act 2002 and the Land Transport Act 1998.

Staff recommendations

Clause 4 be amended by deleting the “Related information” box.

“Tracked changes” to the clause as recommended to be amended

This bylaw applies to the district of the Far North District Council.

~~Related information~~

~~This bylaw does not apply to roads in the district that are state highways. State highways are regulated by Waka Kotahi (New Zealand Transport Agency).~~

Clause 8 Roads where turning right or certain vehicles prohibited

Council staff recommend minor changes to clause 8, to correct a typographical error and clarify the drafting.

Staff recommendations

Clause 8 be amended by:

1. In subclause (3), omitting the word “recreation” and substituting the word “recreational”, in two instances.
2. In subclause (3), omitting the word “travelling” and substituting the words “being used”.
3. In the “Related information” box, omitting the word “recreation” and substituting the word “recreational”.

“Tracked changes” to the clause as recommended to be amended

- (3) Wheeled ~~recreation~~ recreational devices are prohibited from ~~travelling being used~~ on the roads, or parts of roads, listed in Part C of Schedule 2. A person must not use a wheeled ~~recreation~~ recreational device in contravention of this subclause.

Related information

Devices include skateboards and scooters, but not cycles. On roads not listed in Part C of Schedule 2, wheeled ~~recreation~~ recreational devices must be used and operated in accordance with clause 11.1 of the Land Transport (Road User) Rule 2004. The Land Transport (Road User) Rule 2004 also contains restrictions and prohibitions on riding cycles.

Clause 9 Vehicles containing offensive matter not to be left on road

Clause 9 is discussed above, where it is recommended that the Road Use Bylaw should be made under both the Local Government Act 2002 and the Land Transport Act 1998.

In addition, legal advice was received that “any unnecessary length of time” in clause 9 (1)(b) is vague and difficult to enforce. Compliance staff advised that two hours would be an appropriate time limit, to enable them to deal with this issue effectively, should they need to escalate to enforcement.

Staff recommendations

Clause 9 (1)(b) be amended by omitting the words “any unnecessary length of time” and substituting the words “more than two hours”.

“Tracked changes” to the bylaw as recommended to be amended

- (1) A person must not leave a vehicle containing, or that recently contained, manure, offal, or any other matter or thing that is likely to be offensive or injurious to health, on any road, or place adjoining a road that is within 30 metres of any dwellinghouse, –
- (a) during the period between half an hour after sunset and half an hour before sunrise; or
 - (b) for ~~any unnecessary length of time~~ more than two hours during any other part of a day.

Clause 11 Only certain signs allowed on or near road

Council staff recommend several minor changes to clause 11, to clarify the drafting of the bylaw. Submissions were also received on the wording of clause 11. All the proposed amendments to clause 11 are dealt with together, under the discussion of submissions on clause 11 below (section 4.3).

Clause 12 Approval required for stands and stalls in public places

Council staff recommend minor changes to Clause 12, to improve the clarity of the bylaw. These amendments improve the accuracy of the wording, and clarify that Council permission must be granted to operate a stand or stall on a road or adjoining public place (not merely applied for).

Staff recommendations

Clause 12 be amended by:

1. In subclause (1), omitting the word “occupy” and substituting the word “operate”, in two instances.
2. In subclause (1), omitting the words “apply to the council for approval” and substituting the words “have written approval from the Council”.
3. In subclause (3), omitting the word “Occupation” and substituting the word “Operation”.
4. In subclause (4), omitting the word “Occupation” and substituting the word “Operation”.
4. In subclause (4), inserting the words “in that schedule” after the word “stated”.

“Tracked changes” to the bylaw as recommended to be amended

- (1) A hawker, pedlar, or keeper of a mobile or travelling shop who wants to ~~occupy~~ operate a stand or stall (including a vehicle used as a stall) —
 - (a) in any road or part of a road; or
 - (b) in any public place adjoining a road or State highway if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic –must ~~apply to the council for approval~~ have written approval from the Council to ~~occupy~~ operate that stand or stall.
- (3) ~~Occupation~~ Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part A of Schedule 4 is prohibited.
- (4) ~~Occupation~~ Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part B of Schedule 4 is restricted to the type of stand or stall stated in that schedule and the council may not grant an approval for any other type of stand or stall in the specified road, part of a road or public place.

Clause 13 Approval required for alfresco dining on footpaths or shared roadways

Council staff recommend a minor change to clause 13 (1), to clarify that Council permission must be granted to occupy a road or part of a road with structures for alfresco dining (not merely applied for).

Staff recommendations

Clause 13 (1) be amended by omitting the words “apply to the council for an approval” and substituting the words “have written approval from the Council”.

“Tracked changes” to the clause as recommended to be amended

- (1) A person who wants to occupy any part of a road with structures for providing food or beverage services, including tables, chairs, umbrellas, or heaters, must ~~apply to the council for an approval~~ have written approval from the Council for that occupation.

Clause 14 Approvals may be affected by other approved events

Clause 14 states that the Council may, in its absolute discretion, suspend an approval for a mobile trader or alfresco dining, if another approval has been granted for an event or road stoppage, which necessitates this suspension. For example, if the Council has granted an approval for a Christmas parade, the Council may suspend a previous approval for alfresco dining for the duration of the parade.

Legal advice was received that this clause should be deleted, and the provision simplified to allow the Council to revoke permits where necessary. Clause 28 also allows the Council to suspend or cancel an approval where necessary. Staff recommend deleting clause 14, and including a similar, but simplified provision in clause 28 (see below under the discussion of clause 28).

Staff recommendations

Clause 14 be deleted.

“Tracked changes” to the clause as recommended to be amended~~14 Approvals may be affected by other approved events~~~~If the council has approved—~~~~(a) the stopping of the road or part of the road; or~~~~(b) an event, for example a Christmas parade, that will occur on the road or part of the road—~~~~that an approval granted for the purposes of clause 12 or 13 applies to, the council may, in its absolute discretion, suspend the approval under clause 28 for the duration of the stopping or the event if, in the council's opinion,—~~~~(c) the stopping or event will prevent or restrict actions covered by the approval from being done; or~~~~(d) the actions covered by the approval are inconsistent with the stopping or event.~~

Clause 16 Protection of people and vehicles when doing work near a road

Legal advice was received that the provisions in Clause 16 are covered by other legislation such as the Building Act 2004, Resource Management Act 1991, and the Health and Safety at Work Act 2015. Since these issues are already covered, Clause 16 should be removed from the draft Road Use Bylaw, as there is no need for such regulation (LGA 2002). With regard to subclause (2), NTA staff have advised that building activities on roads are covered by the Corridor Access Request (CAR) system and section 357 of the Local Government Act 1974, and therefore this provision is not required in the Road Use Bylaw.

Staff recommendations

Clause 16 be deleted.

*“Tracked changes” to the clause as recommended to be amended***~~16—Protection of people and vehicles when doing work near a road~~**

~~(1) A person who is doing any work to, or on, any external part of a building that is adjacent to or near a road must take all reasonable steps to—~~

- ~~(a) protect any other person using or passing along the road from injury; and~~
- ~~(b) protect any vehicle using or passing along the road from damage; and~~
- ~~(c) ensure the work does not cause a nuisance or danger to traffic; and~~
- ~~(d) prevent any damage being caused to the road.~~

~~In this subclause “work” includes altering, repairing, painting, or cleaning any part of the building.~~

~~Related information~~

~~For example, the person could erect a fence or hoarding to prevent people or vehicles from coming near the work.~~

~~Compliance with this subclause does not affect any obligations the person may have under the Health and Safety at Work Act 2015.~~

~~(2) A person who is doing building work that includes any one or more of the following being done on a road or a public place adjoining a road—~~

- ~~(a) erecting scaffolding, gantries, hoardings, or barricades; or~~
 - ~~(b) depositing building materials; or~~
 - ~~(c) carrying out excavation work; or~~
 - ~~(d) using a crane, stationary engine, concrete mixer, air compressor, crane, hoist, or other machinery—~~
- ~~must apply to the council for approval of that, or those, actions.~~

~~(3) In subclause (2), “building work” has the same meaning as in section 7(a) and (b) of the Building Act 2004 and “public place” means land or property of, or under the control of, the council.~~

~~Related information~~

~~As at 08 June 2021 the definition of building work in the Building Act 2004 is:~~

~~(a) means work—~~

- ~~(i) for, or in connection with, the construction, alteration, demolition, or removal of a building; and~~
- ~~(ii) on an allotment that is likely to affect the extent to which an existing building on that allotment complies with the building code; and~~

~~(b) includes sitework.~~

Clause 19 Types of approval under this bylaw

Clause 19 is a guide to summarise the actions or things for which an approval is required under the Road Use Bylaw. Legal advice was received that this clause risks legal challenge due to ambiguous language, and that nothing in this clause is necessary for the bylaw. The recommendation is to delete the clause.

Staff recommendations

Clause 19 be deleted.

“Tracked changes” to the clause as recommended to be amended

~~19 Types of approval under this bylaw~~

- ~~(1) This clause is intended only as a guide to summarise the actions or things for which an approval is required under this bylaw and in the event of any conflict between this clause and any other clause of this bylaw, the latter prevails.~~
- ~~(2) A person may apply for an approval under this Part for –~~
- ~~(a) Displaying a sign that uses flashing or revolving lights (clause 11);~~
 - ~~(b) Displaying an advertising sign for a temporary sporting, community or cultural event (clause 11);~~
 - ~~(c) Occupying a stand or stall for trading on a road (including a footpath) or public place (clause 12);~~
 - ~~(d) Occupying a road (including a footpath) with furniture or other things for alfresco dining (clause 13);~~
 - ~~(e) Building work on a road or a public place adjoining a road (clause 16).~~

Clause 20 Application for approval

Council staff recommend minor changes to clause 20, to clarify the drafting of the bylaw.

Staff recommendations

Clause 20 be amended by:

1. In subclause (1)(a), inserting the words “, company or group” after the word “person”.
2. In subclause (1)(b), inserting the words “and by Council” after the word “bylaw”.

“Tracked changes” to the clause as recommended to be amended

- (1) An application for an approval required by this bylaw must be made to the council by the person, company or group who needs the approval (“**the applicant**”) and –
- (a) be in the form required by the council; and
 - (b) include all the information required by this bylaw and by Council; and
 - (c) be accompanied by the applicable fee set in the council’s Fees and Charges Policy.

Clause 21 Assessment of application

Council staff recommend minor changes to clause 21, to clarify the drafting of the bylaw. In subclause (c) the rule number should be omitted, so that the Bylaw will relate to the relevant provisions in both the current District Plan and the new Draft District Plan (when applicable).

Staff recommendations

Clause 21 be amended by:

1. Inserting the words “that are received” after the word “applications”.
2. Omitting the words “, including as follows” and substituting the words “under this bylaw as soon as reasonably practicable after the application has been made. When assessing an application, the Council must consider”.
3. In subclause (a), deleting the words “by determining”.
4. In subclause (b), deleting the word “considering”.
5. In subclause (c), deleting the words “by considering”.
6. In subclause (c), deleting the words “rule 16.7.2 of”.
7. In subclause (c), inserting the word “Operative” after the words “assessment criteria in the”.
8. Renumbering the second subclause (c) to subclause (d).
9. In subclause (d), omitting the words “as soon as reasonably practicable after the application has been made” and substituting the words “any other factors that the Council considers relevant to the application”.

“Tracked changes” to the clause as recommended to be amended

The council must assess all applications that are received for approvals, ~~including as follows under this bylaw as soon as reasonably practicable after the application has been made. When assessing an application, the Council must consider~~ –

- (a) ~~by determining~~ whether the matter covered by the approval will comply with any applicable provisions of this or any other bylaw made by the council; and
- (b) ~~considering~~ whether any conditions are required to be included in the approval under clause 23; and
- (c) if the application relates to a sign, ~~by considering~~ any relevant assessment criteria in ~~rule 16.7.2 of the~~ Operative Far North District Plan; and
- (ed) ~~as soon as reasonably practical after the application has been made. any other factors that the Council considers relevant to the application.~~

Clause 22 Decision on application

Council staff recommend minor changes to clause 22, to clarify the drafting of the bylaw. A submission was also received on the wording of clause 22. All the proposed amendments to clause 22 are dealt with together, under the discussion of submissions on clause 22 below (section 4.3).

Clause 23 Conditions on approvals

Council staff recommend minor changes to clause 23, to clarify the drafting of the bylaw.

Staff recommendations

Clause 23 be amended by:

1. In subclause (1), omitting the words “clause 22” and substituting the words “part 7 of this bylaw must”.
2. In subclause (1), omitting the word “its” and substituting the words “any other”.
3. In subclause (1), inserting the words “under that approval” after the word “conditions”.
4. In subclause (2)(b), omitting the words “and the” and substituting the word “. The”.
5. In subclause (2)(g), deleting the words “, including any area or space where parking is prohibited or restricted in the council’s Parking Bylaw”.

“Tracked changes” to the clause as recommended to be amended

- (1) All approvals granted under ~~clause 22~~ part 7 of this bylaw must include a condition that enables the council to carry out inspections to ensure the approval and ~~its any other~~ conditions under that approval are being complied with.
- (2) The council may include conditions on an approval for any one or more of the following matters –
 - (b) payment of a bond, of an amount determined by the council, to be used by the council to make good any damage caused by the person granted the approval ~~and the~~ The council may charge that person a further amount if the bond does not cover the full cost incurred by the council:
 - (g) restricting the area or space the approval applies to, ~~including any area or space where parking is prohibited or restricted in the council’s Parking Bylaw:~~

Clause 24 Duration of approval

Council staff recommend minor changes to clause 24, to clarify the drafting of the bylaw.

Staff recommendations

Clause 24 (5) be amended by:

1. In subclause (5), omitting the word “granted” after the words “a new one being” and substituting the word “determined”.
2. In subclause (5), omitting the words “and must take all actions necessary to ensure the location of anything done under the previous approval is made safe for all road users” and substituting the words “The applicant must remove all items covered by the previous approval and ensure the location is cleared of any hazards caused by their activity”

“Tracked changes” to the clause as recommended to be amended

- (1) All approvals granted under this bylaw have a duration of 12 months from the date granted, unless another duration period is specified in the approval.
- (2) A person granted an approval may apply to the council to renew the approval, before the end of its duration, by –
 - (a) informing the council, in writing, the approval is still necessary and giving reasons why; and
 - (b) demonstrating any conditions are being met, or seeking amendment of the conditions.
- (3) The provisions of this bylaw about approvals apply to the renewal of an approval, with any necessary modifications, including payment of any applicable fee.
- (4) If the council has not made a decision on the renewal application before the duration of the approval ends, the approval will continue to have effect until the renewal application is decided.
- (5) For the avoidance of doubt, if the duration of an approval has ended, the person granted the approval may apply for a new approval and refer to the previous approval to support their application, but during the time between the previous approval ending and a new one being ~~granted~~ determined, the applicant cannot do any of the things that were covered by the previous approval ~~and must take all actions necessary to ensure the location of anything done under the previous approval is made safe for all road users.~~ The applicant must remove all items covered by the previous approval and ensure the location is cleared of any hazards caused by their activity.

Clause 27 Transfer of approval

Council staff recommend a minor change to clause 27, to clarify the drafting of the bylaw.

Staff recommendations

The words “to any other person, company or group” be added after the word “transferable”.

“Tracked changes” to the clause as recommended to be amended

Approvals are not transferable to any other person, company or group.

Clause 28 Suspending or cancelling approval

Council staff recommend changes to clause 28, to clarify the drafting of the bylaw. A submission was also received on the wording of clause 28. All the proposed amendments to clause 28 are dealt with together, under the discussion of submissions on clause 28 below (section 4.3).

Part 8: Enforcement, offences and penalties

Council staff recommend a minor change to the “Related information” box. Section 163 of the Local Government Act 2002 only authorises the Council to remove a work or thing and recover costs when authorised by a bylaw. Since this bylaw does not authorise such removals, this example should be deleted.

Staff recommendations

The “Related information” box after “Part 8: Enforcement, offences and penalties” be amended by deleting the words “, and under section 163 of the Local Government Act 2002 the council can remove any work or thing and recover the costs of that removal”.

*“Tracked changes” to the clause as recommended to be amended***Related information**

The council has powers under the Land Transport Act 1998 and Local Government Act 2002 to take various actions to enforce the provisions of this bylaw. For example, under section 128E of the Land Transport Act 1998 the council can remove vehicles that are causing an obstruction, ~~and under section 163 of the Local Government Act 2002 the council can remove any work or thing and recover the costs of that removal.~~ All other actions to enforce the provisions of this bylaw are taken by the Police.

Clause 30 Offence and penalty

Council staff recommend minor changes to clause 30, to clarify the drafting of the bylaw. Submissions were also received on clause 30. All the proposed amendments to clause 30 are dealt with together, under the discussion of submissions on clause 30 below (section 4.3).

Clause 34 Applications, approvals etc under revoked bylaws

Council staff recommend minor changes to clause 34, to clarify the drafting of the bylaw.

Staff recommendations

Clause 34 be amended by:

1. In subclause (a), omitting the word “commenced” and substituting the word “commences”.
2. In subclause (b), inserting the words “granted under revoked bylaws” after the word “authorisation”.
3. In subclause (b), adding the words “and must be treated as a new application” after the word “bylaw”.

“Tracked changes” to the clause as recommended to be amended

All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause 31, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except –

- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw ~~commenced~~ commences; and
- (b) any approval, permit or authorisation granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

Clause 36 Roads that have vehicle restrictions or prohibitions

Council staff recommend a minor change to clause 36, to correct a typographical error.

Staff recommendations

Clause 36 subclause (2)(c) be amended by omitting the word “recreation” and substituting the word “recreational”.

“Tracked changes” to the clause as recommended to be amended

- (2) Schedule 2 has 3 parts –
- (a) Part A lists the roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right:
 - (b) Part B lists the roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited:
 - (c) Part C lists the roads, or parts of roads where, under clause 8, wheeled ~~recreation~~ recreational devices are prohibited.

Schedule 4 Roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted

Council staff recommend a minor change to Schedule 4 Part B (1)(a), to correct a typographical error.

Staff recommendations

Schedule 4 Part B (1)(a) be amended by omitting the word “Pahia” and substituting the word “Paihia”.

“Tracked changes” to the clause as recommended to be amended

- (1) Approvals for stands or stalls in or on the following roads or public places are restricted to those that spend a maximum of 60 minutes at the location, for example, mobile ice cream vendors –
- (a) In ~~Pahia~~ Paihia at –

4.2 Clauses not referred to in submissions

No submissions were made about the following clauses in the draft bylaw:

- Clause 1 Title
- Clause 2 Related information boxes
- Clause 3 Commencement
- Clause 4 Application
- Clause 5 Purpose
- Clause 7 Roads where vehicles must travel in a specified direction
- Clause 9 Vehicles containing offensive matter not to be left on road
- Clause 14 Approvals may be affected by other approved events
- Clause 16 Protection of people and vehicles when doing work near a road
- Clause 19 Types of approval under this bylaw
- Clause 20 Application for approval
- Clause 21 Assessment of application
- Clause 23 Conditions on approvals
- Clause 24 Duration of approval
- Clause 25 Objections
- Clause 26 Amendment of approval
- Clause 27 Transfer of approval
- Clause 29 Other obligations not affected
- Clause 31 Parking and Traffic Control Bylaw revoked in part
- Clause 34 Applications, approvals etc under revoked bylaws
- Clause 37 Provisions for signs to not be a danger or nuisance
- Clause 38 Amendment of Schedules

4.3 Submissions on clauses in the draft bylaw

This subsection analyses the submissions made about specific clauses in the draft bylaw and recommends how to address these submissions in the bylaw. This section also analyses some of the staff recommendations for amendments, clarifications, and corrections, in order to keep all proposed amendments to a clause together in one place.

Clause 6 Interpretation

Clause 6 provides definitions for the interpretation of this bylaw.

Submission received

Submission 5 pointed out that Clause 6 *“includes definitions of footpath and road but not roadway. In later clauses the term road is used where roadway would more correctly identify the area of concern.”* The submission suggested adding the definition of roadway from the Land Transport (Road User) Rule 2004, namely:

- **roadway** means that portion of the road used or reasonably usable for the time being for vehicular traffic in general (Land Transport (Road User) Rule 2004 1.6)

Staff analysis

The suggested amendment would allow for greater precision in defining which part of the road is under discussion in some later clauses. This would apply in instances where the term “road” is intended specifically to refer to that part of the road usually used for vehicular traffic.

This seems to have arisen from the wording of Clause 17, which was also raised in the same submission (see discussion below). The ambiguity in Clause 17 has been resolved through minor amendments that do not use the term “roadway”. Making this amendment to Clause 6 could create a need for additional amendments in other clauses. Therefore, while the terminology suggested by the submitter would be a correct alternative, this change is not necessary.

Staff recommendations

Staff recommend that no change should be made to Clause 6 in response to this submission.

Clause 8 Roads where turning right or certain vehicles prohibited

Clause 8 (1) prohibits vehicles from turning to the right at certain intersections. Clause 8 (2) prohibits heavy motor vehicles from travelling on certain roads or parts of roads. Clause 8 (3) prohibits wheeled recreational devices from travelling on certain roads or parts of roads.

Submission received

Submission 1 said that e-scooters should be treated as allowed on the road in areas where the speed limit is 50kph or less, and prohibited from the open road where the speed limit is 80kph or more. The submission said that it was safer to ride on the roadway rather than the footpath, and said it was discriminatory to allow cycles on the roadway but not to allow e-scooters.

Staff analysis

The submitter has not correctly understood the scope of the proposed clause. The roads and parts of roads to which Clause 8 (3) applies are laid out in Part C of Schedule 2, which comprises roads in central business district areas. In CBDs the use of wheeled recreational devices (such as skateboards and scooters) is not compatible with pedestrian safety, and therefore it is appropriate for the council to prohibit them in a bylaw.

In all other areas of the Far North District (not specified in Schedule 2 Part C), the use of wheeled recreational devices is governed by the [Land Transport \(Road User\) Rule 2004](#). In general, low-powered e-scooters can be used on the footpath or the roadway. ([For an e-scooter to meet the definition of a low-powered vehicle, the wheels must not exceed 355mm and maximum power output must not exceed 300W.](#)) They must be operated in a safe and considerate manner, and if travelling on the road, must be as near as practicable to the edge of the roadway.

The concerns regarding e-scooters raised by Submission 1 are outside the scope of the proposed Road Use Bylaw.

Staff recommendations

Staff recommend that no change should be made to Clause 8 in response to this submission. (NB. Staff recommendations for changes to Clause 8 are addressed above, in section 4.1.)

Clause 10 Approval required for erecting or planting things near intersections etc

Clause 10 states that walls, fences or vegetation should not be placed at or near intersections or bends where they would cause nuisance or danger to traffic.

Submissions received

Submission 1 found this unfair, as “*prima facies if you live on a corner you cant build a fence plant a hedge*” [sic]

Submission 80 (part of the submissions made on the insertion of provisions regulating vehicles on beaches into the Road Use Bylaw) thought it was unclear whether the clause would only apply to private land, or could be interpreted as undermining Council’s ability to deal with encroachments on public land such as the road berm.

Staff analysis

Submission 1 has misinterpreted the scope of the proposed clause. Fences, walls, hedges and trees may be placed on private property at or near intersections or bends, as long as they are not likely to cause nuisance or danger to traffic. Under [section 355 of the Local Government Act 1974](#) the Council has the power to require landowners to remove or trim vegetation, fences or walls when, in the opinion of the Council, they are likely to cause danger to traffic. In practice, this clause does not place an unreasonable burden on the owners of property on bends or corners. There is no requirement to seek prior permission to plant vegetation or to erect a fence or wall; there is only a requirement to ensure that this activity is not likely to cause nuisance or danger to traffic. Therefore, it is appropriate for the Council to mandate this requirement in a bylaw.

The submission’s misinterpretation is likely due to the title of the clause: “*Approval required for erecting or planting things near intersections etc.*” The clause itself does not include a requirement for prior approval from the Council of any planned vegetation, fence, or wall on a property at an intersection or bend. Research has identified that the title was not updated when the clause was changed at a previous stage of the development of the bylaw, and it reflects the content of an earlier draft of the clause. Therefore, Council staff consider that the title of Clause 10 should be rewritten to reflect the intent of the clause accurately.

Council staff consider that submission 80 has made a useful point. Legal advice received is that the clause itself does not require amendment, since section 357 of the Local Government Act 1974 is clear on encroachments; however, the Related information box should be amended to include the suggested clarification.

Staff recommendations

Clause 10 be amended by:

1. Omitting the words “Approval required for erecting or planting things near intersections etc” and substituting the words “Vegetation, walls, or fences must not cause nuisance or danger to traffic”
2. Adding the words “In general it is an offence to place vegetation, a fence or other items on any part of a public road (which includes the berm) without authorisation, under section 357 of the Local Government Act 1974, and the council will normally require their removal. In exceptional circumstances, if deemed an appropriate use of public land, the Council may decide to grant a licence to occupy the road.”

“Tracked changes” to the clause as recommended to be amended

10 ~~Approval required for erecting or planting things near intersections etc~~ Vegetation, walls, or fences must not cause nuisance or danger to traffic

A person must not plant or erect, at or within 5 meters distance from corners, bends, or intersections on roads, any tree, shrub, hedge, scrub, or other growth, or fence or wall, that, in the opinion of the council is, or is likely to constitute, a source of nuisance or danger to traffic.

Related information

The council can require the owner of any land adjoining a road corridor to remove or trim any vegetation or wall under section 355 of the Local Government Act 1974.

In general it is an offence to place vegetation, a fence or other items on any part of a public road (which includes the berm) without authorisation, under section 357 of the Local Government Act 1974, and the Council will normally require their removal. In exceptional circumstances, if deemed an appropriate use of public land, the council may decide to grant a licence to occupy the road.

Clause 11 Only certain signs allowed on or near road

Clause 11 defines the types of signs that are permitted on or near the road.

Submissions received

Three submissions commented on Clause 11. Submission 2 said: *“Display of signage on privately owned land should be no business of Council in a democratic society. Further, requirements around what language(s) may or may not or must be used is entirely inappropriate.”*

Submission 5 noted that the list of conditions in Clause 11 (2) were all joined by “and”, requiring all these conditions to occur at the same time for the signage to contravene the bylaw. Since the intention is to prohibit any of the conditions, the wording should be amended by replacing “and” with “or”.

Submission 6 voiced support of Clause 11 (6), as it allows for advertising of community events without imposing undue costs.

Staff analysis

Submission 2 objected to the Council’s perceived interference with the rights of property owners to display signage on their property. The intent of the clause is to enable the Council to address problems such as nuisance or danger to traffic or pedestrians, which may be caused by inappropriate signage. The display of signage on privately owned land must not cause undue nuisance to others or interfere with public safety. Therefore, it is appropriate for the Council to define the types of signs that are permitted on or near the road.

Submission 2 also objected to requirements around what languages must be used for signage. This appears to be in reference to subclause (3): *“Any poster, placard, handbill, writing, picture, or device for advertising or other purposes displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in english and te reo māori,”* which only applies to Te Oneroa-a-Tōhe/90 Mile Beach. All signs on Te Oneroa-a-Tōhe/90 Mile Beach must be approved by the Te Oneroa-a-Tōhe Beach Board, in accordance with the Beach Management Plan (<https://www.teoneroa-a-tohe.nz/beach-management-plan>).

Subclause (3) reflects a requirement of the Te Oneroa-a-Tōhe Beach Management Plan that signs be bilingual. The Beach Management Plan is primarily to be implemented through the Regional Plan. Legal advice was received that, as currently drafted, this clause may be *ultra vires* (beyond the powers granted to the Council to make bylaws under the Land Transport Act 1998).

Subclause (7) states that any planned display on Te Oneroa-a-Tōhe/90 Mile Beach must have approval from the Te Oneroa-a-Tōhe Beach Board before the Council will consider approving it. Since the Te Oneroa-a-Tōhe Beach Board (in accordance with the Beach Management Plan) will implement the requirement for signage to be bilingual in English and te reo Māori in advance of any application to the Council for approval, it is unnecessary for this provision to be included in the Road Use Bylaw. Therefore, Council staff recommend that subclause (3) should be deleted, and the requirement should be included in the “Related information” box.

Submission 5 suggested replacing “and” with “or” in subclause (2), in order to make its requirements clear. Council staff consider that this is an amendment that will improve the clarity of the draft bylaw.

As they are currently drafted, Clause 11 and Schedule 3 are unclear. The wording gives the impression that only compliant signs will be allowed, and do not make it clear that a sign that does not comply with Schedule 3 (e.g. with more words or a larger size) may be permitted by the Council, at its discretion, following the application process specified in the proposed bylaw. Therefore, staff recommend a new subclause 11(4) for clarification, and amendments as described under the discussion of Schedule 3.

In addition to these amendments, Council staff recommend several minor changes to clause 11, subclauses (3)-(7), to improve the clarity of the drafting of the Road Use Bylaw, as detailed below.

Staff recommendations

Clause 11 be amended by:

1. In subclause (1), inserting the reference "(4)" after the word "subclauses".
2. In subclause (1), inserting the words "in contravention of subclause (2)" after the words "other purposes".
3. In subclause (1), deleting the words "in contravention of subclauses (2) and (3)" after the words "visible from a road or public place".
4. In subclause (2)(a)-(f), deleting the word "and".
5. In subclause (2)(g), omitting the word "and" and substituting the word "or".
6. Deleting subclause (3).
7. Renumbering subclause (4) to be subclause (3).
8. In subclause (3), omitting the words "For the purposes of subclause (2)(h) only," and substituting the word "All".
9. In subclause (3), omitting the words "that are" and substituting the words "must be".
10. In subclause (3), omitting the words "will be treated by the council as not constituting" and substituting the words "to ensure they are not and do not become".
11. Inserting a new subclause as follows:
 "(4) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with Schedule 3 if the person has an approval from Council for the display."
12. In subclause (5), inserting the words "clause 11" after the words "does not comply with".
13. In subclause (5), inserting the words "from Council" after the word "approval".
14. In subclause (6), inserting the words "clause 11" after the words "does not comply with".
15. In subclause (6) (c), inserting the words "from Council" after the word "display".
16. In subclause (7), inserting the words "from Council" after the word "approvals".
17. In subclause (7), omitting the words "subclauses (5) and (6)" and substituting the words "clause 11".
18. In subclause (7), inserting the word "planned" after the words "if the".
19. In subclause (7), inserting the words "to be located" after the words "display is".
20. In subclause (7), inserting the words "to Council" after the word "application".
21. In the "Related information" box, inserting the words "Any signage displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in English and te reo Māori." after the words "in accordance with the Beach Management Plan (available at this link: <https://www.teoneroa-a-tohe.nz/beach-management-plan>), as well as the council."

"Tracked changes" to the clause as recommended to be amended

- (1) Except as provided in subclauses (4), (5) and (6), a person must not cause, permit or otherwise enable the display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes in contravention of subclause (2) –
 - (a) on or over public buildings or bridges; or
 - (b) on or over buildings, walls, fences, posts, trees, footpaths, or hoardings — that are situated —
 - (c) in, or on, or adjoining any land or road that is the property of, or under the control of, the council; or
 - (d) any place where that display is visible from a road or public place — in contravention of subclauses (2) and (3).
- (2) Any display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes must not –
 - (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signals; ~~and~~
 - (b) distract unduly or be likely to distract unduly the attention of a road user; ~~and~~
 - (c) resemble or be likely to be confused with any traffic sign or signal; ~~and~~
 - (d) give rise to excessive levels of glare; ~~and~~
 - (e) use lights or reflective materials; ~~and~~
 - (f) invite drivers to turn so close to a turning point that there is no time to signal or turn safely; ~~and~~
 - (g) have sharp edges, projections or moving parts that may be a nuisance or danger to road users; ~~and or~~
 - (h) constitute or be likely to constitute in any way a danger or nuisance to road users or the environment.
- ~~(3) Any poster, placard, handbill, writing, picture, or device for advertising or other purposes displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in English and te reo Māori.~~

- (43) ~~For the purposes of subclause (2)(h) only, All~~ posters, placards, handbills, writings, pictures, or devices for advertising or other purposes ~~that are must be~~ constructed, fixed, placed and maintained in accordance with the provisions of Schedule 3 ~~will be treated by the council as not constituting to ensure they are not and do not become~~ a danger or nuisance.
- (4) ~~A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with Schedule 3 if the person has an approval from Council for the display.~~
- (5) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2)(e) if the person has an approval from Council for the display.
- (6) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2), if –
- (a) it is displayed for a limited period of time to advertise a sporting, community or cultural event; and
 - (b) it is a maximum size of 3 square metres; and
 - (c) the person has an approval for the display from Council; and
 - (d) it is removed no more than 2 days following the completion of the event to which it relates.
- (7) For the purposes of the approvals from Council required in ~~subclauses (5) and (6)~~ clause 11, if the planned display is to be located on Te Oneroa-a-Tōhe/90 Mile Beach, it must be approved by the Te Oneroa-a-Tōhe Beach Board before an approval is applied for under this bylaw and evidence of the Board's approval must be included with the application to Council made under this bylaw.
- (8) For the purposes of this clause "public buildings" means buildings that are owned by the council and for the avoidance of doubt a "road user" includes a pedestrian.
- (9) This clause does not apply to advertisements for candidates in an election under the Electoral Act 1993 or the Local Electoral Act 2011.

Related information

Other types of signs, advertising or displays etc that are erected, placed or left on a road and not covered by the description in this clause are prohibited under section 357(1)(a) and (b) of the Local Government Act 1974 unless authorised by the council. Some signs may also require a resource consent under rules in the Far North District Plan made under the Resource Management Act 1991 or a building consent under the Building Act 2004.

Signs on Te Oneroa-a-Tōhe/90 Mile Beach must be approved by the Te Oneroa-a-Tōhe Beach Board, in accordance with the Beach Management Plan (available at this link:

<https://www.teoneroa-a-tohe.nz/beach-management-plan>), as well as the council. Any signage displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in English and te reo Māori.

Signs on State Highways are regulated in the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010, available at this link: <https://nzta.govt.nz/assets/resources/Bylaws-state-highway/Bylaw-2010-New-Zealand-Transport-Agency-Signs-on-State-Highways-Bylaw-July-2010.pdf>

Clause 12 Approval required for stands and stalls in public places

Clause 12 requires anyone who wishes to operate a stand or stall in any road or any public place adjoining a road to apply to the Council for approval, and prohibits stands and stalls in certain locations.

Submission received

Submission 6 said that the Council should consider the impact that roadside traders have on parking and manoeuvrability for large vehicles. This is an issue for the rural community who often come into town with large vehicles or trailers and cannot easily park in smaller car parks. Roadside traders often occupy the limited places which allow for large vehicles and trailers, and so they said that *“Council needs to ensure that the locations roadside traders operate on do not hinder the rural community’s ability to come into town for supplies and amenities.”* They asked that the Council considers this when deciding on applications.

Staff analysis

Council staff agree that the needs of businesses operating stands and stalls should be balanced with the needs of members of the community who require access to suitable parking, in order to ensure equitable access to public parking spaces. This issue is part of the implementation of the bylaw and will be communicated to operational staff. It does not affect the drafting of the bylaw.

Staff recommendations

Staff recommend that no change should be made to Clause 12 in response to this submission. (NB. Staff recommendations for changes to Clause 12 are addressed above, in section 4.1.)

Clause 13 Approval required for alfresco dining on footpaths or shared roadways

Clause 13 requires anyone who wishes to set up furniture and structures on any road or footpath for providing alfresco food or beverage services to obtain an approval from the Council, and sets out rules to ensure public accessibility and safety.

Submission received

Submission 1 was against the clause, and voiced support of alfresco dining, saying that it *“is part of making a place or a part of town vibrant and give it and the businesses in it a buzz and permit them to trade.”*

Staff analysis

Council staff agree that there are benefits to businesses and town centres from alfresco dining and enabling outdoor trade. However, this must also be balanced with other community needs such as pedestrian safety, accessibility, and preventing nuisance. Therefore, it is appropriate for the Council to require people to apply for approval for alfresco dining activities on public roads and footpaths, and to regulate their location to ensure public accessibility and safety.

Staff recommendations

Staff recommend that no change should be made to Clause 13 in response to this submission. (NB. Staff recommendations for changes to Clause 13 are addressed above, in section 4.1.)

Clause 15 General requirements [Animals on roads]

Clause 15 sets out the requirements for people in control of animals on roads, to ensure safety and require removal of solid waste.

Submissions received

Submission 1 stated opposition to Clause 15 but did not give a reason.

Submission 6 expressed general support for the requirement for livestock owners to clean up solid animal waste and prevent damage to the roads they use. However, they considered that this requirement is impractical for unsealed roads and unformed legal roads. They suggested changing the wording to “*must ensure where reasonable to clean up solid waste left by livestock*”.

Staff analysis

Submitter 6 acknowledged that livestock owners have a responsibility to clean up waste, remove hazards and nuisance for other road users, and prevent damage to the roads they use. However, they expressed a concern that the requirement in clause 15 (1) may be unreasonable in some circumstances, and proposed softening the wording. For example, on a rural unsealed road, removing all animal waste would be impractical and impossible to enforce.

Monitoring and enforcement staff report that this problem is not frequent, but they do receive complaints about animal waste on roads from time to time. The Council uses the VADE (Voluntary, Assisted, Directed and Enforced) approach to ensure compliance with bylaws. VADE begins with a reasonable approach to resolve problems, and escalation to enforcement is only rarely required. Staff report that complaints about animal waste are usually successfully resolved after a conversation with the livestock owner. However, enforcement staff do need to have a rule in place to deal with persistent problems. For example, animal waste on the road can cause a hazard for motorcyclists, or a nuisance in a residential area.

The suggested wording “where reasonable” could be disputed. Staff propose amending the clause to clarify the circumstances where the Council would consider enforcement action to be appropriate: where the waste is causing damage to the road, a hazard, or a nuisance.

Staff recommendations

Clause 15 (1) be amended by inserting the words “, if these materials cause or are likely to cause in any way a danger or nuisance to road users or damage to the road” after the word “time”.

“Tracked changes” to the clause as recommended to be amended

- (1) A person having control of animals being driven or ridden on any road must ensure that any solid materials deposited on the road from the animals are removed and disposed of within a reasonable period of time, if these materials cause or are likely to cause in any way a danger or nuisance to road users or damage to the road.

Clause 17 Safe placement of bins, skips or containers on roads

Clause 17 regulates the safe placement of bins, skips and containers on roads.

Submissions received

Submission 1 stated opposition to Part 6 (Clauses 16-18) but did not give a reason.

Submission 5 made suggestions to improve the clarity of Clause 17 as follows:

“17 (1) (a) Rephrase for clarity to “is on a part of the road where parking is not prohibited or restricted...”

17 (1) (b) has two possible meanings:

- *cannot be closer to a traffic lane than one metre or*
- *cannot extend more than one metre into a traffic lane.*

Redraft to clarify which is the intention.

Both of these could benefit from use of roadway instead of road if the intention is to avoid risk to other vehicles.”

Staff analysis

Council staff agree that amendments will improve the clarity of the draft bylaw. The suggested amendment to Clause 17, subclause (1) (a) will prevent confusion.

The wording of Clause 17, subclause (1) (b), namely that it “does not encroach within one metre of a traffic lane”, has been taken from Schedule 4 of the current Parking and Traffic Control Bylaw 2010. The intention of the clause is to ensure that bins, skips, and containers do not cause a danger to traffic by encroaching onto the roadway, and therefore this meaning should be made clear.

Staff recommendations

Clause 17 be amended by:

1. In subclause (1) (a), moving the word “not” from after the first “is” to after the second “is”.
2. In subclause (1) (b), omitting the words “does not encroach within one metre of a traffic lane” and substituting the words “is not closer than one metre to a traffic lane at any time”.

“Tracked changes” to the clause as recommended to be amended

- (1) A person must not place a waste bin, skip, shipping container or other similar receptacle on a road unless it –
 - (a) is ~~not~~ on a part of the road where parking is not prohibited or restricted under the council’s Parking Bylaw; and
 - (b) ~~does not encroach within one metre of a traffic lane~~ is not closer than one metre to a traffic lane at any time; and
 - (c) has its edge that faces on-coming traffic painted white or a fluorescent colour that is in contrast to the colour of its main body and the edge markings are maintained to ensure clear visibility to traffic; and
 - (d) is not left on the road between half an hour after sunset of one day and half an hour before sunrise the following day unless properly lit by flashing amber lights on outer corners of the bin facing on-coming traffic.

Clause 18 Activities that may impede or obstruct road users

Clause 18 prohibits organising or engaging in activities on any road that impede pedestrians or vehicles, or obstruct access to shops or premises.

Submissions received

Submission 1 stated opposition to Part 6 (Clauses 16-18) but did not give a reason.

Submission 2 commented that *“Clause 18 could easily be used to prevent legitimate political protests.”*

Staff analysis

Submission 2 expressed concern that Clause 18 of the proposed Road Use Bylaw could be used to prevent legitimate political protests and interfere with the rights of individuals to express their political views. Council staff agree that the exercise of legitimate political protest is important in a democratic society. However, the Council must also balance this with the need to ensure safety and accessibility for other members of the community, businesses, and organisations. This was the intention of Clause 18, rather than the prevention of any political protest or other public gathering or meeting.

Legal advice was received that, as it is currently drafted, Clause 18 may be at risk of challenge, as it may be in breach of the Bill of Rights Act 1990. Therefore, council staff recommend removing subclauses 18 (1) and (2) from the proposed Road Use Bylaw.

Council staff have identified that there is still a need for some regulation to ensure that busking or similar activities do not impede or obstruct other members of the public, or create a nuisance. Therefore, staff recommend a minor amendment to the remainder of the clause.

Staff recommendations

Clause 18 be amended by:

1. Deleting subclause (1).
2. Deleting subclause (2).
3. In subclause (b), inserting the word “or” after the words “premises adjacent to the road”
4. Adding a new subclause (c) as follows:
“(c) in a way that creates a nuisance.”

“Tracked changes” to the clause as recommended to be amended

18 Activities that may impede or obstruct road users

- ~~(1) A person must not organise or conduct a meeting, gathering, demonstration, parade, procession or competition on a road that impedes pedestrians or vehicles, or prevents or obstructs access to shops or premises adjacent to the road.~~
- ~~(2) A person must not participate in any assembly, or association, with other persons (including any of the activities referred to in subclause (1)) on a road that impedes pedestrians or vehicles, or prevents or obstructs access to shops or premises adjacent to the road.~~
- ~~(3)~~ A person must not perform, sing, play musical instruments, preach, lecture or exhibit on a road –
- (a) in a way that impedes pedestrians or vehicles; or
 - (b) in a way that prevents or obstructs access to shops or premises adjacent to the road; or
 - (c) in a way that creates a nuisance.

Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

Clause 22 Decision on application

Clause 22 sets out the rules governing how applications for approvals are decided by the council.

Submission received

Submission 5 said that subclause 22 (1) appeared to be a requirement that the council must decline any application which is not covered by a resource consent, regardless of whether a resource consent is in fact required for the event.

Staff analysis

Subclause 22 (1) states the following:

“(1) The council must decline an application for an approval if the matter to be covered by the approval –

(a) is not a permitted activity under any applicable plan, provision or requirement; or

*(b) is not covered by a resource consent –
under the Resource Management Act 1991.”*

This could be interpreted as saying that the only activities which can be approved must be covered by a resource consent. This is not the intent of the clause. Council staff consider that rephrasing this clause will improve the clarity of the proposed bylaw.

Council staff also recommend minor changes to clause 22, to clarify the drafting of the bylaw.

Staff recommendations

Clause 22 be amended by:

1. In subclause (1), inserting the words “under this bylaw” after the words “application for an approval”.
2. In subclause (1), omitting the word “if” and substituting the word “unless”.
3. In subclause (1) (a), omitting the word “not”
4. In subclause (1) (a), omitting the word “or” and substituting the words “, statutory or regulatory” after the word “provision”.
5. In subclause (1) (b), omitting the word “not”.
6. In subclause (4), inserting the words “for an approval under this bylaw” after the words “withdraw their application”.

“Tracked changes” to the clause as recommended to be amended

- (1) The council must decline an application for an approval under this bylaw ~~if~~ unless the matter to be covered by the approval –
 - (a) is ~~not~~ a permitted activity under any applicable plan, provision ~~or~~, statutory or regulatory requirement; or
 - (b) is ~~not~~ covered by a resource consent –
under the Resource Management Act 1991.
- (4) An applicant may withdraw their application for an approval under this bylaw at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.

Clause 28 Suspending or cancelling approval

Clause 28 regulates how an approval may be suspended or cancelled. Subclause (2) states that *“The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council’s decision to suspend or cancel the approval.”*

Submission received

Submission 5 queried whether Clause 28 (2) placed an obligation on Council to prove time of receipt. The submission suggested the inclusion of a deemed delivery clause.

Staff analysis

Council staff agree that the inclusion of a deemed delivery clause could avoid potential disputes.

In addition, staff recommend further changes to clause 28. Legal advice was received recommending that clause 14 should be deleted and the provision simplified (see discussion of clause 14 above, section 4.1). This means that clause 28 (1)(a) should be redrafted, to cover the essential provisions in clause 14.

Legal advice was also received that the provision in clause 28 (1)(c) should be strengthened and clarified, to ensure that the Council retains the ability to suspend or cancel approvals where necessary.

Council staff also recommend minor changes to clause 28 (3), to clarify the drafting of the bylaw.

Staff recommendations

Clause 28 be amended by:

1. In subclause (1) (a), omitting the words “clause 14 applies” and substituting the words “the council has approved an event or road stoppage at the same location, which, in the Council’s opinion, necessitates the suspension or cancellation”.
2. In subclause (1)(c), after the words “road safety”, omitting the word “or” and substituting a comma.
3. In subclause (1)(c), inserting the words “, or for any other reason it considers relevant and reasonably necessary” after the word “environment”.
4. In subclause (2), inserting the words “, or from five working days after the written notice was sent via post or email to the address or email address provided to the Council by the applicant, whichever is earliest” after the words “cancel the approval”.
5. In subclause (3), after the words “other legislation for”, omitting the word “the” and substituting the word “any”.
6. In subclause (3), omitting the words “were the reasons for” and substituting the words “may have contributed to”.
7. In subclause (3), adding the words “of the approval” after the word “cancellation”.

“Tracked changes” to the clause as recommended to be amended

- (1) The council may suspend or cancel an approval, in its absolute discretion, if –
 - (a) ~~clause 14 applies~~ the council has approved an event or road stoppage at the same location, which, in the council’s opinion, necessitates the suspension or cancellation; or
 - (b) any conditions on the approval are not being met; or
 - (c) the council considers the suspension or cancellation necessary to enhance or promote road safety, ~~or~~ provide protection for the environment, or for any other reason it considers relevant and reasonably necessary.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council’s decision to suspend or cancel the approval, or from five working days after the written notice was sent via post or email to the address or email address provided to the Council by the applicant, whichever is earliest. The notice must include the reasons for the council’s decision.
- (3) Suspending or cancelling an approval does not affect the council’s powers to take other enforcement action under this bylaw or any other legislation for ~~the any~~ acts or omissions that ~~were the reasons for~~ may have contributed to the suspension or cancellation of the approval.

Clause 30 Offence and penalty

Clause 30 sets out the fine and legal remedies available for the Council to enforce the proposed bylaw.

Submissions received

Submission 1 expressed the view that \$1,000 is a “ridiculously high fine” and felt that the council should consider warnings and education rather than going straight to fines and prosecution.

Submission 5 pointed out that, as it is currently worded, Clause 30 (1) means any offence would be subject to a fine of \$1000. The submission suggested rephrasing with “a fine up to \$1000” as per the regulations.

Staff analysis

Submitter 1 may not be aware that warnings and education are already an integral part of bylaw enforcement. (<https://www.fndc.govt.nz/Your-Council/Plans-Policies-Bylaws-Projects/Bylaws/Lets-talk-about-bylaws>). The council uses the VADE (Voluntary, Assisted, Directed and Enforced) approach to ensure compliance with bylaws. VADE assumes that most people will be willing to do the right thing if they are given the right information, and escalation to enforcement will only rarely be required. The purpose of Clause 30 is to set out the fines for breaches of this bylaw; wider issues of bylaw enforcement are out of scope.

Under section 22AB (1) (b) of the Land Transport Act 1998, a road controlling authority (i.e. the Council) may prescribe fines, “not exceeding \$1,000”, for the breach of any bylaw made under this section. Council staff consider that the suggestion made by submitter 5 to rephrase the clause to state that the fine is up to \$1,000 is correct and this phrasing will be reflected in the “Related information” box.

Legal advice was received recommending changes to clause 30, to clarify penalties under the bylaw. Since the recommendation (discussed above in section 4.1) is to make the Road Use Bylaw under both the Local Government Act 2002 and the Land Transport Act 1998, the wording of clause 30 should be amended to reflect this.

It should be noted that a person who is convicted of an offence against this bylaw under the Local Government Act 2002 is liable to a fine of \$20,000, which is considerably higher than the \$1,000 under the Land Transport Act 1998. However, the threshold for escalation to court proceedings under the Local Government Act 2002 is very high, and this level of enforcement action is only very rarely required. The infringement notices and penalties available under the Land Transport Act 1998 offer Council compliance staff practical tools for enforcement where education and communication have been unable to resolve the problem.

Staff recommendations

Clause 30 be amended by:

1. In subclause (1), inserting the words “fails to comply with or” after the word “who”.
2. In subclause (1), omitting the words “for which the fine is \$1,000” and substituting the words “under the Local Government Act 2002 and the Land Transport Act 1998 and is liable to the penalties set out in those Acts”
3. In subclause (2), inserting the words “or other enforcement authorities” after the word “council”.
4. In subclause (2), omitting the words “it sees” and substituting the words “they see”.
5. In the “Related information” box, inserting the words “A person who commits an offence against this Bylaw under the Land Transport Act 1998 may be served with an infringement notice in accordance with sections 22AB and 139 of the Land Transport Act 1998 and may be liable to a fine of up to \$1,000. A person who is convicted of an offence against this Bylaw under the Local Government Act 2002 is liable to a fine not exceeding \$20,000.” after the words “Related information”.

“Tracked changes” to the clause as recommended to be amended

- (1) A person who ~~fails to comply with or~~ breaches this bylaw commits an offence ~~for which the fine is \$1,000 under the Local Government Act 2002 and the Land Transport Act 1998 and is liable to the penalties set out in those Acts.~~
- (2) Subclause (1) does not prevent the council ~~or other enforcement authorities~~ from having recourse to other legal remedies, as ~~it sees~~ they see fit, to enforce the provisions of this bylaw.

Related information

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A person who commits an offense against this Bylaw under the Land Transport Act 1998 may be served with an infringement notice in accordance with sections 22AB and 139 of the Land Transport Act 1998 and may be liable to a fine of up to \$1,000.

A person who is convicted of an offense against this Bylaw under the Local Government Act 2002 is liable to a fine not exceeding \$20,000.

Breaches of this bylaw may also be offences under the Land Transport (Offences and Penalties) Regulations 1999 with fines of up to \$1,000.

Clause 32 Skating and Cycles Bylaw revoked

Clause 32 states that the Skating and Cycles Bylaw 2007 will be revoked on adoption of the proposed Road Use Bylaw.

Submission received

Submission 1 questioned the revoking of the Skating and Cycles Bylaw and asked where the new bylaw is.

Staff analysis

Submission 1 appears to have misunderstood the scope of the proposed Road Use Bylaw. The submitter has not referred to the Appendix in the Road Use Bylaw Proposal, which sets out where the provisions from previous bylaws and policy are included in the proposed new Road Use Bylaw. The provisions in the Skating and Cycles Bylaw are included in Clause 8(3), Part 8 “related information”, Clause 30, Clause 38, and Part C Schedule 2 of the proposed Road Use Bylaw (Road Use Bylaw Proposal, Appendix, p.23).

Staff recommendations

Staff recommend that no change should be made to Clause 32.

Clause 33 Nuisances Bylaw revoked in part

Clause 33 states that Clause 1106 of Chapter 11 (Nuisances) of the General and Fire Bylaw 1990 will be revoked on adoption of the proposed Road Use Bylaw.

Submission received

Submission 1 questioned the revoking of the Nuisances Bylaw and asked where the new bylaw is.

Staff analysis

Submission 1 appears to have misunderstood the scope of the proposed Road Use Bylaw. The submitter has not referred to the Appendix in the Road Use Bylaw Proposal, which sets out where the provisions from previous bylaws and policy are included in the proposed new Road Use Bylaw. The provisions in Clause 1106 of the Nuisances Bylaw (Chapter 11 of the General and Fire Bylaw) are included in Clause 9 of the proposed Road Use Bylaw (Road Use Bylaw Proposal, Appendix, p.23).

Staff recommendations

Staff recommend that no change should be made to Clause 33.

Clause 35 Other existing permits or approvals for matters regulated under this bylaw

Clause 35 states that where the council has authorised a person to do something regulated by the proposed bylaw, that authorisation will continue; however, it will only continue to be approved for 12 months from the date of the bylaw, and cannot be renewed under this bylaw. If they wish to continue after that date, they must apply for a new approval.

Submission received

Submission 2 said *"I do not accept Clause 35 and believe it places an unreasonable burden on private business."*

Staff analysis

Clause 35 is a provision that simply allows for a reasonable changeover period so that activities previously permitted under older revoked bylaws or parts of bylaws can continue for up to twelve months. This allows plenty of time for people to apply for a new approval under the new bylaw. Since many permits are only issued for 12 months or less already, this will not place significant additional administrative requirements on businesses or individuals. There may be some administrative changes such as updated forms, to reflect that the application is made under a new bylaw. However, this will not be an unreasonable burden. Council staff do not recommend changes to this clause based on this submission.

Council staff recommend minor changes to clause 35, to clarify the drafting of the bylaw. As currently drafted, clause 35 (b) is unclear, and may give the impression that the Council will not grant approvals for activities that are currently permitted. This clarification may address the concerns raised by the submitter.

Staff recommendations

Clause 35 be amended by:

1. In subclause (a), omitting the word "commenced" and substituting the word "commences".
2. In subclause (b), inserting the words "granted under revoked bylaws" after the word "consent".
3. In subclause (b), adding the words "and must be treated as a new application" after the word "bylaw".

"Tracked changes" to the clause as recommended to be amended

If, before the date this bylaw commenced, the council granted a person a permit, authorisation, licence, approval or other form of consent to do any act or thing that is regulated under this bylaw, that permit, authorisation, licence, approval or other form of consent will continue, and be treated, as if it is an approval granted under this bylaw, except –

- (a) the permit, authorisation, licence, approval or other form of consent will only continue until the date that is 12 months from the date this bylaw ~~commenced~~ commences; and
- (b) the permit, authorisation, licence, approval or other form of consent granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

Clause 36 Roads that have vehicle restrictions or prohibitions

Clause 36 sets out the schedules which list the roads in the district which have vehicle restrictions or prohibitions.

Submission received

Submission 1 expressed concern that Clause 36 (3) would mean that the coffee cart at Long Beach would be prohibited due to the drawing of the diagram. They were in support of the coffee cart as a community meeting place.

Staff analysis

The submission did not speak against the clause itself, but expressed concern that the related list in Schedule 4 would prohibit the coffee cart at Long Beach, Russell. See below for discussion of submissions on the schedules.

Staff recommendations

Staff recommend that no change should be made to clause 36 in response to this submission.

4.4 Submissions on schedules in the draft bylaw

Four submissions were made about the schedules in the draft bylaw (Submissions 1, 2, 4, and 5). Submission 2 made general comments about the schedules, which have been addressed above (General feedback 3.2).

The following section analyses the submissions about specific schedules in the proposed Road Use Bylaw. No submissions were received on Schedule 1 or Schedule 5.

Schedule 2 Roads or parts of roads where turning right or certain vehicles prohibited

Schedule 2 lists the roads or parts of roads where vehicles are prohibited from turning right, where heavy motor vehicles are prohibited, and where wheeled recreational devices are prohibited, under Clause 8 of the proposed Road Use Bylaw.

Submissions received

Submission 4 said that Opito Bay Road should be included in Schedule 2 Part B (No heavy vehicles). They said that because the road is narrow, winding, and undulating, heavy vehicles are a danger to motorists, walkers, joggers, and cyclists, especially as the speed limit is 100 km/h. They felt that the speed limit should be 80km/h. In addition, they observed that the road is in constant need of repair, and some of this damage is due to heavy vehicles on an unsuitable road.

Submission 5 asked whether council had considered the implications of Schedule 2 Part B (No heavy vehicles) where it lists Homestead Road, Kerikeri as “No Heavy Vehicles over 6000kg”. This would seem to prevent goods deliveries to businesses, access for Fire Service vehicles, and access to the one-way system for buses.

Staff analysis

Council staff looked at the suggestion made by Submission 4 to include Opito Bay Road in Schedule 2 Part B (No heavy vehicles). While the submission expressed concerns regarding the risks to public safety and damage to roads attributable to heavy vehicles, it is not appropriate for council to prohibit heavy vehicles from most public roads. In the case of Opito Bay Road, there is no alternative route to access the properties and smaller roads along it. Heavy vehicles are necessary for many personal and business activities, such as transporting goods, moving machinery necessary for construction or maintenance, moving home, etc. Therefore, Opito Bay Road is not an appropriate addition to Schedule 2. Speed limits are outside the scope of the proposed Road Use Bylaw.

Submission 5 raised a question about the implications of prohibiting heavy vehicles over 6000kg from Homestead Road, Kerikeri. There are two locations currently listed in Schedule 2 Part B (No heavy vehicles). In Commerce Street, Kaitia, the restriction covers the section “Between the intersection of Pukepoto Road and Commerce Street and the intersection of Commerce Street and Redan/Couth Roads”, and states “No heavy vehicles that are bus or stock truck or truck and trailer or semi-trailer combination.” There is an alternate route available to heavy vehicles on Matthews Avenue.

In Kerikeri, Schedule 2 Part B (No heavy vehicles) of the draft Road Use Bylaw lists Homestead Road as “No Heavy Vehicles over 6000kg”. With the one-way system, this would mean that there is no heavy vehicle access to Homestead Road, Fairway Drive, Golf View Road, Amokura Drive, and the smaller roads leading off them, without council approval. It would also mean that buses could not access the one-way system or use the Cobham Road bus stop without council approval. Heavy vehicles would have to use Hone Heke Road to access the northern parts of Kerikeri, unless they obtain council approval.

Clause 8 and Schedule 2 of the draft Road Use Bylaw relate to provisions in the previous Parking and Traffic Control Bylaw 2010.

Schedule 3 of the Parking and Traffic Control Bylaw 2010 listed Homestead Road as restricted to vehicles under 6000kg, except with the written consent of the council ([A125737](#)). Research to date has not identified the precise origin of this weight restriction, and it is likely be historic. When the council adopted the Parking and Traffic Control Bylaw ([17 June 2010](#)), the council also adopted the schedules in the “Attachment C” that was part of the report on this bylaw to the 25th March 2010 meeting. The weight restriction for Homestead Road was not in the

original "Attachment C" for the Council meeting 25th March 2010 ([A2118394](#), NB the schedules were renumbered; in Attachment C the relevant schedule is Schedule 7). Research has not uncovered a Council resolution to add the restriction to the schedules in 2010. It seems that it may have been incorrectly reintroduced or retained from a previous document. It should be noted that there is no signage indicating this weight restriction on site.

Council staff have not identified any issues with heavy vehicles using Homestead Road currently, and have noted that buses and coaches use the one-way system to access the Cobham Road bus stops without incident. In the opinion of staff responsible for roading asset management and transport planning, the weight restriction on Homestead Road, Kerikeri, is no longer applicable and can be removed from Schedule 2.

Staff recommendations

The vehicle restriction on Homestead Road, Kerikeri, "No heavy vehicles 6000kg or over" in Schedule 2 Part B (No heavy vehicles) be deleted.

Schedule 3 Provisions for signs to not constitute a nuisance or danger

Schedule 3 sets out the requirements for signs to ensure that they will not be considered as constituting a nuisance or danger under Clause 11 (2) (h) of the proposed Road Use Bylaw. These requirements allow for people to put up signs that do not present a nuisance or danger, without needing to seek approval from the Council. A non-compliant sign may still be permitted, however this will need to be assessed by the Council on a case by case basis.

Submission received

Submission 5 made three comments on Schedule 3. The submitter:

- pointed out that in Schedule 3 (1), because all the conditions must be met, subclauses (a)-(k) should be edited to include “and”.
- asked whether the Council had considered the implications of specifying particular fonts on roads where the speed limit is greater than 70kmh, as this would exclude most lettering on professionally designed signs as well as all handwritten signs (e.g. such as signage at the Packhouse Market and Makana on Kerikeri Road). The submission noted that while some of these may have been granted under a resource consent, others would not meet the conditions.
- commented, regarding the example of too many signs on a single location, that the Council should consider how to determine which signs should be removed to reduce distraction.

Staff analysis

Submission 5 suggested adding “and” to each subclause in Schedule 3 (1), as all the conditions must be met. Council staff consider that this is an amendment that will improve the clarity of the draft bylaw. Likewise, all the conditions must be met in Schedule 3 (3), and therefore a similar amendment should be also made to Schedule 3 (3).

Submission 5 raised the issue of whether the Council had considered the implications of specifying particular fonts on roads where the speed limit is greater than 70kmh, as this would limit the lettering that can be used on many advertising signs. The intent of Clause 11 (2) (h) and Schedule 3 of the proposed Road Use Bylaw is to ensure that signs and advertising displays will not create a danger or nuisance to road users.

The District Plan contains extensive guidance on signs and lighting. The District Plan rules apply to signage on non-Council owned land, and signs which do not comply require a resource consent. Signs located on Council controlled land are regulated by the Council’s bylaws. In addition, the rules for signs located on or adjacent to state highways are set by Waka Kotahi, according to the [New Zealand Transport Agency Signs on State Highways Bylaw July 2010](#).

The requirements for signs in Schedule 3 are intended to align as far as possible with the District Plan and the requirements from Waka Kotahi, in order to maintain consistent rules. The rules regarding lettering height, fonts, and character limits on roads where the speed limit is greater than 70kmh in Schedule 3 were drafted with regard to the requirements in the District Plan (16.6.1.5) and the NZTA Signs on State Highways Bylaw (First and Second Schedules).

According to the District Plan and Waka Kotahi, signs adjacent to state highways where the speed limit is greater than 70km/h must use a font which is acceptable to Waka Kotahi. However, in the District Plan this font requirement does not apply to local roads where the speed limit is greater than 70kmh. Council staff agree that the list of fonts in Schedule 3 is unnecessarily prescriptive, and recommend that as long as the Council retains the right, at its sole discretion, to remove any sign which is causing a nuisance or hazard, the font restriction may be removed from the draft bylaw.

The third issue raised was the example of too many signs on a single location, and how the Council will determine which signs should be removed to reduce distraction. This is an operational matter. The Council will retain the right to assess which signs constitute a nuisance or hazard on Council-controlled land, at its sole discretion.

As they are currently drafted, Clause 11 and Schedule 3 are unclear. The wording gives the impression that only compliant signs will be allowed, and do not make it clear that a non-compliant sign (e.g. with more words or a larger size) may be permitted by the Council, at its discretion, following the application process specified in the proposed bylaw.

Therefore, staff recommend amendments for clarification, as detailed below in this section, and above under the discussion of Clause 11. These clarifications will not alter the intent of the draft bylaw, but should address the submitter's concerns regarding unreasonably restrictive requirements.

Staff also recommend amending clause 1(k), so that the Bylaw will relate to the relevant provisions in both the current District Plan and the new Draft District Plan (when applicable).

Staff recommendations

Schedule 3 be amended by:

1. In the introduction, adding the words "Signage that does not comply with these requirements must not be put up without written approval from the Council. Approval is at the sole discretion of the Council." after the words "clause 11(2)(h)."
2. In subclauses (1)(a)-(e), omitting the ":" and substituting "; and".
3. In subclause (1)(f), inserting "; and" after the word "ground".
4. In subclause (1)(g), omitting the ":" and substituting "; and".
5. In subclauses (1)(h)-(j), omitting the ":" and substituting "; and".
6. In subclause (k)(i), omitting the words "being the areas covered in Chapter 7 of the" and substituting "as defined by the Operative".
7. In subclause (k)(ii), omitting the words "being the areas covered in Chapter 8 of the" and substituting "as defined by the Operative".
8. In subclause (3)(a), omitting the words "and use expressway, helvetica, hyperion, impact, tahoma or univers font:" and substituting "; and".
9. In subclause (3)(b), omitting the ":" and substituting "; and".

"Tracked changes" to the schedule as recommended to be amended

Schedule 3 – Provisions for signs to not constitute a nuisance or danger

Clause 11(2)(h)

Posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that meet the provisions of this Schedule will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h). Signage that does not comply with these requirements must not be put up without written approval from the Council. Approval is at the sole discretion of the Council.

- (1) The poster, placard, handbill, writing, picture, or device must be constructed, fixed, placed and maintained to:
 - (a) not exceed 1 square metre in area or 2 metres for any edge dimension: ~~;~~ and
 - (b) use a colour combination for the background, wording and legend that does not cause confusion with any of those used for any official road sign or traffic sign: ~~;~~ and
 - (c) not display more than 6 words, symbols or graphics and no more than 40 characters: ~~;~~ and
 - (d) use no reflective material: ~~;~~ and
 - (e) provide no internal or external illumination: ~~;~~ and
 - (f) have the bottom edge not more than 2.5 metres above road level or ground: ~~;~~ and
 - (g) contain no moving parts or a dynamic display: ~~;~~ and
 - (h) not reduce the width of any footpath or other place used by pedestrians to less than 1.5 metres and if fixed, be not closer than 5 metres from the edge of the carriageway, if moveable, be not closer than 2 metres from the edge of the carriageway: ~~;~~ and
 - (i) be secured against wind gusts: ~~;~~ and

- (j) not project more than 50mm from a building frontage if it is less than 2.5 metres above ground level; ~~;~~
~~and~~
- (k) be more than the following distances from an intersection, permanent regulatory or warning sign, curve (with chevron signing), or pedestrian crossing:
 - (i) 100 metres in the urban environment (~~being the areas covered in Chapter 7 of the~~ as defined by the Operative Far North District Plan); or
 - (ii) 200 metres in the rural environment (~~being the areas covered in Chapter 8 of the~~ as defined by the Operative Far North District Plan).
- (2) On roads where the speed limit is 70km/h or less, the poster, placard, handbill, writing, picture, or device must use lettering and symbols at least 120 millimetres in height.
- (3) On roads where the speed limit is greater than 70km/h, the poster, placard, handbill, writing, picture, or device must:
 - (a) use lettering and symbols at least 160 millimetres in height ~~and use expressway, helvetica, hyperion, impact, tahoma or univers font;~~ ~~;~~ ~~and~~
 - (b) provide an unrestricted view to drivers for a minimum distance of 180 metres; ~~;~~ ~~and~~
 - (c) have supports that meet the relevant requirements regarding strength, rigidity and impact performance in section 7.0 of the New Zealand Transport Agency's "Traffic Control Devices Manual – Part 1 General requirements for traffic signs".

Related information

The Traffic Control Devices Manual – Part 1 General requirements for traffic signs can be read at this link: [Traffic control devices manual - Part 1: General requirements for traffic signs \(nzta.govt.nz\)](https://www.nzta.govt.nz/traffic-control-devices-manual-part-1-general-requirements-for-traffic-signs)

Schedule 4 Roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted

Schedule 4 lists the roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted.

Submission received

Submission 1 expressed concern that the coffee cart at Long Beach would be prohibited due to the drawing of the diagram. They were in support of the coffee cart as a community meeting place.

Staff analysis

The provisions in Part B of schedule 4 relating to Long Beach, Russell are as follows:

Part B – Places where type of stand or stall is restricted

(1) Approvals for stands or stalls in or on the following roads or public places are restricted to those that spend a maximum of 60 minutes at the location, for example, mobile ice cream vendors –

(b) In Russell at –

(ii) Long Beach in or on any place outside of the car park area

Start GPS: -35.2570963427531, 174.131095418639

End GPS: -35.2610813938921, 174.140446317826

The Long Beach Coffee Cart has had a site permit to operate in the car park at Long Beach (SITE-1564). The provisions in the schedule restrict stands or stalls at Long Beach “in or on any place outside of the car park area.” Clause 36 (4) states that the maps of shown in Schedule 5 are for ease of reference only, and that the other schedules describe the formal restrictions and prohibitions in the bylaw. Since Schedule 4 allows permitted stands or stalls in the car park area at Long Beach, there is no suggestion that the coffee cart will be prohibited by the proposed Road Use Bylaw. Therefore, the concern expressed by Submission 1 is unfounded.

Staff recommendations

Staff recommend that no change should be made to Schedule 4 in response to this submission.

Appendix – List of submissions received

Submissions on the Road Use Bylaw

Number	Organisation
1	Individual submission
2	Individual submission
3	Riders Sports Depot Ltd
4	Individual submission
5	Individual submission
6	Federated Farmers of New Zealand

In addition, one late submission was received in March 2022, outside the submission dates for the Road Use Bylaw, as part of the submissions regarding the insertion of provisions regulating vehicles on beaches into the Road Use Bylaw. (The numbering is retained from that submission analysis.)

Submission made on the Road Use Bylaw as part of the submissions on the vehicles on beaches provisions to be inserted into the Road Use Bylaw

Number	Organisation
80	Vision Kerikeri

Analysis of submissions and recommendations

Provisions regulating vehicles on beaches to be in the Road Use Bylaw

1 Background

The Vehicles on Beaches Bylaw 2015 was automatically revoked on 12 March 2022, under section 160A of the Local Government Act 2002 (LGA). On 24 February 2022, under section 155(1) of the LGA, the governing body of the Far North District Council determined that a bylaw is the most appropriate way of addressing problems related to vehicles on beaches in the Far North District and that provisions regulating vehicles on beaches should be incorporated into the draft Road Use Bylaw, including the prohibition of vehicles at Coopers Beach. This proposal maintains the status quo, in that vehicles continue to be prohibited on Coopers Beach, and the Council retains a mechanism to prohibit or restrict vehicles on other beaches where appropriate, but under a different bylaw.

The period for public consultation on the proposal ran from 25 February 2022 to 24 March 2022, with oral hearings on 22 March 2022. Eighty submissions were received, and one oral submission was made.

This report analyses the submissions and makes recommendations for amendments to the draft provisions regulating vehicles on beaches to be included in the draft Road Use Bylaw. A numbered list of submissions is in the Appendix and these numbers are used to refer to the individual submissions in the body of this report.

During the submissions period, on 16 March 2022, an incorrect post was put on the FNDC Facebook page, inviting the public to submit on the proposal. Unfortunately, this social media post incorrectly gave the impression that the Council was considering prohibiting vehicles on all beaches in the Far North district. This was never the case. While the Council will retain a mechanism for prohibiting or restricting vehicles on beaches, it will only consider prohibiting or restricting vehicles on a specific beach after proper engagement and consultation with affected communities. This proposal only includes Coopers Beach.

Although a correction to the Facebook post was made within 24 hours, a significant portion of the submissions received were in response to the incorrect Facebook post, and many of these responses indicate that the submitters did not read or understand the proposal. Sixty responses were received after the Facebook post was made. Although this means that a number of the submissions are out of scope, it indicates the strength of community feeling regarding the use of vehicles on beaches. This feedback will be utilised for further engagement work that Council staff plan to do on this issue.

Council staff from the following teams contributed to the analysis of the submissions:

- Strategy Development
- Legal Services

2 Summary of submissions

Eighty submissions were received, with seventy-three of these received online using a submissions form, and seven via email. One submitter also presented his views orally to the Strategy and Policy Committee. The online form asked people the following questions:

- Do you support including the provisions to regulate vehicles on beaches in the new Road Use Bylaw?
- Do you have any views on the Schedules regulating beaches to be added to the new Road Use Bylaw?

1

- Is there anything else you would like to tell us about the proposal to include provisions regulating vehicles on beaches in the new Road Use Bylaw?

Table 1: Table showing submitters' support for the inclusion of provisions to regulate vehicles on beaches in the new Road Use Bylaw

	Number of submissions			
	Support	Do not support	Not sure / No answer	Total
Submissions received prior to the incorrect Facebook post	17	3	0	20
Submissions received after the incorrect Facebook post	15	42	3	60
Total	32	45	3	80

One person who made a written submission asked to submit verbally to the Strategy and Policy Committee and was heard by the Committee on 22 March 2022. This submission was in support of the proposal.

The proposal to include provisions regulating vehicles on beaches in the new Road Use Bylaw is essentially an administrative change, as in effect it maintains the status quo, but under a different bylaw framework. Therefore, the scope of the questions asked in this consultation was narrow. However, there is a great deal of public interest in the wider issue of whether or not vehicles should be driven on some or all beaches in the district. Many of the responses comment on matters that are beyond the scope of this proposal.

Based on the comments received, it appears that a number of submitters have taken the first question to mean "Do you support prohibiting vehicles on beaches in the Far North district?" This is especially the case with the sixty submissions received after the incorrect Facebook post. More than one submission stated that they were opposed to the proposal and felt that the Council should maintain the status quo; this proposal will in fact maintain the status quo. Others stated opposition to the proposal, but then commented they would like some vehicle-free zones, which again, would be possible under the proposed bylaw change.

Because of the problem with social media communications regarding the proposal, the general feedback will include an additional subsection which will summarise the feedback on the wider issues surrounding vehicles on beaches. Although this feedback is out of scope, it is pertinent to the wider context of the Council's ongoing work on this issue.

3 General feedback on the proposal

The following feedback was received on the proposal that is not related to a specific clause in the draft provisions regulating vehicles on beaches.

3.1 Support for Council including the provisions to regulate vehicles on beaches in the new Road Use Bylaw

Prior to the incorrect Facebook post, the majority of the submissions (17) were in favour of the proposal, and three did not support it. After the incorrect Facebook post, most submissions (42) were not in support, with the remainder either in favour (15) or not sure (3). Many of the later submissions appear to be in response to the idea of a general prohibition of vehicles on beaches.

The majority of additional comments received from people in favour of the proposal were regarding wider issues of vehicle use on beaches, and further regulation that they would like to see put in place. Submissions 1, 8, 9, 12, 16, 20, 23, 37, 70, and 80 were in favour but wished to see stronger regulation.

Submission 4 was presented both orally and in writing. The submitter was in favour of the proposal in general, and also in favour of the Council moving to regulate under the Land Transport Act 1998. However, he felt that by banning vehicles on a particular beach, i.e. Coopers Beach, the Council was permitting, or even encouraging,

people to drive on all the other beaches in the district, which causes a lot of damage to the environment. He did not feel that this was the norm in the rest of Aotearoa New Zealand, and thought there should be better signage to discourage inappropriate vehicle use.

Submission 4 also had concerns regarding the definition of a beach as a road under the Land Transport Act 1998, and questioned whether the proposal would enable regulation of vehicles on beaches that are not road in the crown title. The issue of whether the Council has the right to regulate vehicles on beaches, where they are not legal road in terms of property, also came up in submissions against the proposal, and is addressed below in section 3.2.

Staff analysis

It is difficult to quantify precisely how many submissions were in response to the detailed proposal, and how many were in response to the idea of a blanket prohibition of vehicles on beaches. In general, the submissions from the public were mixed. However, the majority received before the incorrect information went out were in favour. Furthermore, some of the negative responses indicated in their comments that they were in favour of some regulation or wished to retain the status quo.

Of those in favour, most comments expressed a desire for the Council to do more regarding these issues. Submissions 1, 8, 9, 12, 16, 20, 23, 37, and 70 were in favour but wished to see stronger regulation. This is beyond the scope of this proposal, but will be considered in further planned engagement with beach communities and interested parties.

Submission 80 was an extensive submission on several aspects of the regulation of vehicles on beaches and the Road Use Bylaw. It was in favour of the proposal, but like many other submissions, advocated for much more regulation, as well as raising wider issues. This submission will also be addressed at various points below, and in the work on the Road Use Bylaw.

Although in favour of regulation, Submitter 4 felt that prohibiting vehicles on a specific beach had created an unintended problem by encouraging people to think that they could drive on all the other beaches in the district. The submitter's view that the Council had in part created this problem through the prohibition on Coopers Beach is incorrect. Many members of the public are not aware of the wide definition of "road" in the Land Transport Act 1998, and do not know that the public may drive on many beaches throughout the country (and that the usual road rules still apply). Regular media articles indicate that conflicting views about acceptable use of vehicles on beaches is an issue for several territorial authorities. However, the high number of beaches, large numbers of holidaymakers, growing population, and challenges of roading infrastructure in the Far North district may mean that these problems are becoming particularly acute here. These concerns will form part of the wider discussion on vehicles on beaches.

Staff recommendation

Council staff recommend no changes in response to these submissions.

3.2 Do not support Council including the provisions to regulate vehicles on beaches in the new Road Use Bylaw

Many of the submissions that were not in favour appear to be in response to the idea of a prohibition on vehicles on all beaches. This was not put forward in the proposal. This wider question is out of scope and that feedback will be summarised below in section 3.4.

Forty-five submissions were against the proposal, most of which were received after the incorrect Facebook post. Of those that were opposed, submissions 19, 26, 27, 52, 56, 60, and 77 expressed a view that the Council should not be involved in regulating vehicle use on beaches at all. Submission 78 commented in support of the vehicle ban on Coopers Beach, but stated that they did not trust the Council to allow itself the ability to restrict vehicle access on other beaches. Submission 57 expressed similar mistrust in the Council, and felt that the Council was planning to put other beaches into the schedule without consultation.

Some submissions were against the proposal for reasons which are related to the Council's authority to make such regulations. Submission 58 stated that *"The foreshore and seabed is not Crown property under international law. Until this is resolved fndc is assuming authority under a false pretense."* Submissions 27, 50, 57, and 69 raised objections based on the rights of tangata whenua, and disputed that the Council had a right to restrict activities on the beach. Submission 41 expressed a view that FNDC does not own the beach and is not Transit New Zealand [now Waka Kotahi], so therefore has no say in regulating the beach.

Submissions 19, 25, and 68 were against the proposal, but commented that they wished to retain the status quo.

Submission 33 answered "no" to the proposal, but commented in support of having both *"safe swim zones and also vehicle areas"*.

Submission 39 opposed the proposal, but commented that heavy machinery like those working mussel spats should not be allowed on beaches.

Staff analysis

A number of the submissions were against the proposal, for a variety of reasons. This is to be expected. When the Council surveyed communities about the use of beaches in the Far North district in 2021, there were a wide range of views expressed, which mentioned 50 different beaches. Most views were mixed, however, the Coopers Beach community response was strongly in favour of retaining the prohibition of vehicles on Coopers Beach. The proposal will only prohibit vehicles on Coopers Beach, and this does reflect the wishes of that specific community.

The Council is already aware that any decision to restrict or prohibit vehicles on any other beach, or part of a beach, will require proper engagement and consultation with affected communities. While some of the feedback that was against the proposal is out of scope, it is important to note the strength of community feeling on this issue, both for and against vehicle restrictions. Two of the submissions expressed a lack of trust in the Council to have the ability to restrict vehicle access on other beaches. Council staff are aware of the importance of building trust with the communities we serve, and will continue to work hard on appropriate engagement and consultation on this issue.

Several submissions expressed views that the Council did not have ownership of the beach, and therefore had no authority to regulate vehicles on beaches. Submitter 4, who was in favour of the proposal, also expressed some doubt as to whether the Council could regulate vehicle use on beaches that are not road in terms of title.

It is correct that not all beaches are legal road in terms of property; some may be reserves, or some may be in iwi ownership, for example. However, the definition of "road" in the Land Transport Act 1998, which is used for law enforcement purposes, includes places "to which the public have access", and includes beaches. There is a useful summary provided by [Waka Kotahi](#). Section 22AB (1)(f) of the Land Transport Act allows road controlling authorities to make bylaws to prohibit or restrict the use of vehicles on beaches.

Legal advice received as part of the work on the vehicles on beaches provisions has ascertained that the majority of beaches that have been surveyed on this issue are accessible by road and are public land, either reserve or unformed legal road. Therefore, these beaches meet the definition of road in the Land Transport Act, and the Council has the right to regulate vehicle use on these beaches.

The rights of tangata whenua are deeply important to the Council. Any discussion of whether or not vehicles should be restricted or prohibited on any other beach or part of a beach will require proper consultation with the appropriate iwi and hapū.

Submissions 19, 25, 33, 39, and 68 were against the proposal but wished to retain the status quo, or commented in support of partial restrictions. The proposal will in fact keep the status quo, and enable partial restrictions (with consultation). Therefore, the concerns expressed by these submissions are already addressed in the proposal.

Staff recommendation

Council staff recommend no changes in response to these submissions.

3.3 Submissions regarding the Schedules regulating beaches to be added to the new Road Use Bylaw

Most submissions answered the question regarding the Schedules 6 and 7 to be added to the new Road Use Bylaw with general comments about their views regarding vehicles on beaches.

There were some comments offering feedback on the Schedules, and noting some specific beaches, as follows:

- Submission 1 said that: *"The default should be no vehicles on beaches, with vehicle access to be negotiated, not the other way round as proposed."*
- Submission 14 commented: *"I live in Rawhiti. Locals use the beach as a drag strip. It's shocking. So yes, I fully support no cars on beaches."*
- Submission 57 stated that: *"I note you only have Coopers beach in schedule 6 and nothing in schedule 7. Has this been done purposely to fool people? What other beaches do you intend to put into this schedule once it's up and running?"*
- Submission 72 commented that: *"The schedules should give more priority to wildlife on beaches."*
- Submission 73 stated that: *"You should be adding more beaches where vehicles are banned"*
- 5 submissions mentioned Tokerau Beach. Submission 35 wanted vehicles prohibited except for boat launching. Submission 74 felt that: *"Tokerau Beach from Simon Urlich Rd to the end of Tokerau heading to the shop should have a ban of bikes and cars as nobody hardly sticks to the 30 k limit and this is the end where most people swim and walk."* Submission 5 advocated a car free area on Tokerau beach. Submission 14 also mentioned Tokerau Beach and East Beach. Submission 79 wanted to have dirt bikes and similar noisy vehicles prohibited on Tokerau Beach, while allowing for other reasonable, quiet vehicle use.
- Submissions 8, 9, 12, 20, 23, 37, 43, and 70 expressed a wish for all beaches to be vehicle-free; some of these mentioned exceptions for emergency vehicles and boat launching.

Submission 80 suggested classifying different beaches or parts of beaches for different uses.

Submissions 6, 14, 20, 24, 28, 59 commented on Te Oneroa-a-Tōhe/90 Mile Beach, which is out of scope as it is managed by the Te Oneroa-a-Tōhe Beach Board, in accordance with the Beach Management Plan.

Staff analysis

The proposed Schedules only include Coopers Beach, and therefore much of this feedback is out of scope. However, it is important for the Council to take note of these views, as they add to the data already gathered through engagement with our communities. Council staff will include all this feedback in the future work that is planned on issues relating to vehicles on beaches.

Staff recommendation

Council staff recommend no changes in response to these submissions.

3.4 Feedback on wider issues relating to vehicles on beaches

A large proportion of the comments received related to the wider picture of how the Council should approach problems with vehicles on beaches.

Submission 1 was in favour of the proposal but felt that it was very weak. They would like to see vehicles prohibited from more beaches – *"prohibit vehicles from 50% of beaches, if that is what 50% of submitters want."*

Similar sentiments, where members of the public were in favour of the proposal but felt that the Council should create much stronger regulation, including partial or total prohibition of vehicles on beaches, were expressed by submissions 8, 9, 12, 16, 20, 23, 37, and 70.

Submission 80 would like the Council's work on vehicles on beaches to better reflect the New Zealand Coastal Policy Statement 2010. They believe the Council should develop a more comprehensive mechanism to regulate vehicles on beaches, such as a specific bylaw, in future.

On the other hand, the majority of submissions were against the prohibition of vehicles on beaches, whether in full or in part, for a number of reasons.

Several submissions, both for and against the proposal, wanted to see much better enforcement of road rules and speed limits.

The comments are summarised in Table 2.

Table 2: Table showing summary of issues raised regarding vehicle use on beaches

	Submission number
Reasons given to allow vehicle access on beaches	
Customary rights	21, 28, 50, 57
Gathering kaimoana and fishing	28, 39, 40, 48, 51, 53, 57, 59, 67, 71, 75, 78
Accessing property that does not have road access	32, 40, 53, 55, 80
Launching boats	35, 37, 48, 53, 76, 78, 80
Recreational purposes	41, 51, 59, 61, 64, 71
Accessibility – wheelchair users and mobility issues	75
Tourism	78
Reasons given to prohibit or restrict vehicle access on beaches	
Protecting the environment – wildlife, dunes, birds, degradation of the beach, damage to fisheries	9, 28, 72, 79, 80
Unsafe vehicle use – racing, dangerous driving, reckless behaviour	14, 16, 20, 23, 35, 59, 73, 79
Public safety – reports of danger and injury to people and pets from vehicles	20, 35, 73
Recreational purposes	35, 79, 80
Noise and nuisance	79, 80
Protection of wāhi tapu	80
Stronger enforcement of road rules required	3, 5, 6, 12, 14, 23, 35, 63, 72, 73, 75, 78
Speed limits should be reviewed/changed/policed	14, 20, 53, 63, 74, 78, 80
Only some types of vehicles should be allowed	43, 74, 79, 80

Staff Analysis

As stated in the proposal, the present piece of work is to continue the status quo by placing provisions allowing the Council to restrict or prohibit vehicles on beaches, as scheduled, into the new Road Use Bylaw, and to continue the prohibition on Coopers Beach. Most of this wider feedback is out of scope at present. Reserves will

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be addressed under the new Reserves Bylaw, and speed limits will be addressed in the review of the Speed Limits Bylaw.

Enforcement issues were raised by several submitters, and this will also form part of ongoing work on bylaw implementation.

A significant amount of community feedback was generated on issues related to vehicle use on beaches. While much of this feedback is out of scope for the present proposal, it is part of the wider work planned for this issue in future. Council staff will make use of this input from the community as they continue this work.

Staff Recommendation

Council staff recommend no changes in response to this submission.

4 Analysis and recommendations regarding the bylaw wording

The following section analyses the submissions made about specific parts of the draft provisions regulating vehicles on beaches to be included in the new Road Use Bylaw and recommends how to address these submissions in the bylaw.

4.1 Clauses not referred to in submissions

No submissions were made about the wording of the following provisions regulating vehicles on beaches to be inserted in the draft Road Use Bylaw, namely:

- Clause 6 Interpretation – additional definitions of “authorised agency”, “beach”, and “enforcement officer”
- Part 8: Vehicles on Beaches
 - Clause 30 Vehicles prohibited
 - Clause 32 Exemptions
 - Clause 33 Persons to provide details
 - Clause 34 Offenders to leave beach
- Schedules – additional subclauses to be added to
 - Clause 41 Roads that have vehicle restrictions or prohibitions
 - Clause 43 Amendment of Schedules
- Schedule 6 – Beaches or parts of beaches upon which vehicles are prohibited
- Schedule 7 – Beaches or parts of beaches upon which vehicles are restricted

4.2 Clause 31 Restriction on the use of vehicles on beaches

Clause 31 prohibits vehicles on beaches or parts of beaches identified in schedule 7 at times and dates listed in the schedule.

Submission received

Submission 80 approved of Clauses 30 and 31, but recommended that additional types of restrictions were needed. These included speed limits, prohibitions on specific types of vehicles, controls on animals, and other measures to protect the environment.

Staff analysis

Submission 80 suggested that the Council should amend the provisions restricting the use of vehicles to allow for further restrictions to be scheduled. Some of these suggestions are out of scope (e.g. speed limits, animal controls). However, Council staff consider that one additional restriction is appropriate. This is a suggested amendment to allow for the Council to specify in Schedule 7 that a restriction on vehicles will apply to a certain class or description of vehicle.

This amendment to Clause 31 will give the Council a mechanism to address problems with vehicles on beaches in a more targeted manner. For example, a restriction could be placed on vehicles which are creating noise, damage, or nuisance, such as motorbikes, while still allowing other vehicle use, such as boat launching or gathering kaimoana. In effect, this amendment allows the Council to implement restrictions that have a lower impact, since a targeted restriction will affect a smaller number of activities than a blanket restriction on all types of vehicles. Therefore, this amendment does not represent a significant change to Clause 31, but rather a refinement.

It is important to note that no beaches are included in Schedule 7 in this proposal. Any addition of a beach or part of a beach to Schedule 7 will require engagement and consultation with affected parties.

Staff recommendation

Clause 31 be amended by:

1. Deleting the word "All".

2. Adding a new subclause (2) as follows:

"(2) Where schedule 7 specifies that the restriction on vehicles on any beach or part of a beach should be limited to a class or description of vehicles, the restriction in subclause (1) only applies to vehicles of that class or description."

Tracked changes to the clause as recommended

31 Restriction on the use of vehicles on beaches

- (1) ~~All~~ Vehicles are prohibited on any beach or any part of a beach which is identified in schedule 7 during the times and or dates listed in the schedule unless an exemption has been provided under clause 32 of this bylaw.
- (2) Where schedule 7 specifies that the restriction on vehicles on any beach or part of a beach should be limited to a class or description of vehicles, the restriction in subclause (1) only applies to vehicles of that class or description.

APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED

Number	Organisation
1-15	Individual submissions
16	Oke Bay Lodge
17-26	Individual submissions
27	Te Paatu
28-63	Individual submissions
64	C Foster Diggerworxs
65-71	Individual submissions
72	Kiwi Coast Northland
73-78	Individual submissions
79	Group submission (group of neighbours)
80	Vision Kerikeri



Road Use Bylaw 2022

Governing body of the Far North District Council

Resolution in Council 19 May 2022.

Bylaw made under sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

The bylaw is due for review by 19 May 2027.

Last updated
19 May 2022

Road Use Bylaw

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Part 8	Vehicles on Beaches	
27	Vehicles prohibited	
28	Restriction on the use of vehicles on beaches	

Last updated
19 May 2022

Road Use Bylaw

29	Exemptions
30	Persons to provide details
31	Offenders to leave beach
Part 9	Enforcement, offences and penalties
32	Offence and penalty
Part 10	Savings and transitional provisions
33	Parking and Traffic Control Bylaw revoked in part
34	Skating and Cycles Bylaw revoked
35	Nuisances Bylaw revoked in part
36	Applications, approvals etc under revoked bylaws
37	Other existing permits or approvals for matters regulated under this bylaw
Schedules	
38	Roads that have vehicle restrictions or prohibitions
39	Provisions for signs to not be a danger or nuisance
40	Amendment of Schedules
Schedule 1	Roads, or parts of roads, where vehicles must travel in a specified direction
Schedule 2	Roads, or parts of roads, where turning right or certain vehicles prohibited
Schedule 3	Provisions for signs to not constitute a nuisance or danger
Schedule 4	Roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted
Schedule 5	Maps [not part of the bylaw, for ease of reference only]
	[view at this link]
Schedule 6	Beaches or parts of beaches upon which vehicles are prohibited
Schedule 7	Beaches or parts of beaches upon which vehicles are restricted

Last updated
19 May 2022

Road Use Bylaw

1 Title

This bylaw is the Road Use Bylaw 2022.

2 Related information boxes

Boxes headed "Related information" in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed by Council without any formality.

3 Commencement

This bylaw comes into force on 23 May 2022.

Related information

This bylaw is due for review by 19 May 2027.
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4 Application

This bylaw applies to the district of the Far North District Council.

Part 1: Preliminary provisions

5 Purpose

The purpose of this bylaw is to regulate or control the use of roads and adjoining land by –

- (a) vehicles; and
- (b) stands, stalls or mobile shops; and
- (c) animals; and
- (d) structures, vegetation or other things that may affect road safety or the environment.

6 Interpretation

- (1) In this bylaw, unless the context otherwise requires, –

approval means an approval granted under this bylaw and includes all conditions to which the approval is subject.

Authorised agency means the New Zealand Police, New Zealand Fire and Emergency, St Johns Ambulance, Northland Regional Council, Department of Conservation and any surf life saving club.

beach means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but does not include any private property or land administered by the Department of Conservation.

council means the governing body of the Far North District Council, or any person delegated to act on its behalf.

Enforcement officer means any person appointed by Council under section 177 of the Local Government Act 2002, any parking warden appointed by Council under section 128D of the Land Transport Act 1998 and any person defined as an enforcement officer under section 2(1) of the Land Transport Act 1998.

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Road Use Bylaw

footpath has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021, the definition is: means a path or way principally designed for, and used by, pedestrians; and includes a footbridge.

heavy motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is: means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3500 kg.

motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 01 February 2011, the definition is:

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include—
 - (i) a vehicle running on rails; or
 - (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (vi) a pedestrian-controlled machine; or
 - (vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or
 - (viii) a mobility device.

keeper has the same meaning as in section 22AB(6) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is: In relation to a mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of the mobile or travelling shop.

mobile or travelling shop has the same meaning as in section 22AB(6) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is:

- (a) means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or available for sale in the road, or from which goods, wares, or merchandise may be ordered in the road (whether or not in response to any invitation) or from which services are offered for sale in the road; but
- (b) does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares, or merchandise ordered previously.

parking warden has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is: means a person appointed [by a local authority] to hold the

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Road Use Bylaw

office of parking warden under section 128D [of the Land Transport Act 1998].

road has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at as at 01 April 2021, the definition is: includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment.

The effect of this definition, in particular paragraph (d), is that any public place where it is possible for a vehicle to be driven or ridden is a road, even on places that are not commonly used as a vehicle route but are able to be accessed by the public on a vehicle, and the provisions in this bylaw apply to that place.

vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (v) a pedestrian-controlled lawnmower;
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vii) an article of furniture;
 - (viii) a wheelchair not propelled by mechanical power;
 - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - (x) any rail vehicle.

wheeled recreational device has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is:

- (a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

- (2) The Interpretation Act 1999 applies to this bylaw.

Related information

This means words and phrases that are defined in the Interpretation Act 1999 have the same meaning in this bylaw. For example, as at as at 01 January 2014, the Act defines **person** as "includes a corporation sole, a body corporate, and an unincorporated body."

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19 May 2022

Road Use Bylaw

Part 2: Vehicle restrictions

7 Roads where vehicles must travel in a specified direction

All vehicles on the roads, or parts of roads, listed in Schedule 1 must travel only in the direction specified for the road, or part of road, in that Schedule. A person must not drive a vehicle in contravention of this clause.

Related information

These roads have "One way" signs erected.

8 Roads where turning right or certain vehicles prohibited

- (1) All vehicle on the roads, or parts of roads, listed in Part A of Schedule 2 are prohibited from turning to the right. A person must not drive a vehicle in contravention of this subclause.

Related information

These intersections have "No right turn" signs erected.

- (2) Heavy motor vehicles are prohibited from travelling on the roads, or parts of roads, listed in Part B of Schedule 2. A person must not drive a heavy motor vehicle in contravention of this subclause.

Related information

These roads have "No heavy vehicles" signs erected.

- (3) Wheeled recreational devices are prohibited from being used on the roads, or parts of roads, listed in Part C of Schedule 2. A person must not use a wheeled recreational device in contravention of this subclause.

Related information

Devices include skateboards and scooters, but not cycles. On roads not listed in Part C of Schedule 2, wheeled recreational devices must be used and operated in accordance with clause 11.1 of the Land Transport (Road User) Rule 2004. The Land Transport (Road User) Rule 2004 also contains restrictions and prohibitions on riding cycles.

9 Vehicles containing offensive matter not to be left on road

- (1) A person must not leave a vehicle containing, or that recently contained, manure, offal, or any other matter or thing that is likely to be offensive or injurious to health, on any road, or place adjoining a road that is within 30 metres of any dwellinghouse, –
- (a) during the period between half an hour after sunset and half an hour before sunrise; or
 - (b) for more than two hours during any other part of a day.
- (2) In this clause "dwellinghouse" has the same meaning as in section 2(1) of the Health Act 1956.

Related information

As at 29 June 2021 the definition is: means any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation, and includes the land and any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

Last updated
19 May 2022

Road Use Bylaw

Part 3: Putting structures or vegetation on or near roads

10 Vegetation, walls, or fences must not cause nuisance or danger to traffic

A person must not plant or erect, at or within 5 meters distance from corners, bends, or intersections on roads, any tree, shrub, hedge, scrub, or other growth, or fence or wall, that, in the opinion of the council is, or is likely to constitute, a source of nuisance or danger to traffic.

Related information

The council can require the owner of any land adjoining a road corridor to remove or trim any vegetation or wall under section 355 of the Local Government Act 1974.
In general it is an offence to place vegetation, a fence or other items on any part of a public road (which includes the berm) without authorisation, under section 357 of the Local Government Act 1974, and the council will normally require their removal. In exceptional circumstances, if deemed an appropriate use of public land, the Council may decide to grant a licence to occupy the road.

11 Only certain signs allowed on or near road

- (1) Except as provided in subclauses (4), (5) and (6), a person must not cause, permit or otherwise enable the display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes in contravention of subclause (2) –
 - (a) on or over public buildings or bridges; or
 - (b) on or over buildings, walls, fences, posts, trees, footpaths, or hoardings — that are situated –
 - (c) in, or on, or adjoining any land or road that is the property of, or under the control of, the council; or
 - (d) any place where that display is visible from a road or public place.
- (2) Any display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes must not –
 - (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signals;
 - (b) distract unduly or be likely to distract unduly the attention of a road user;
 - (c) resemble or be likely to be confused with any traffic sign or signal;
 - (d) give rise to excessive levels of glare;
 - (e) use lights or reflective materials;
 - (f) invite drivers to turn so close to a turning point that there is no time to signal or turn safely;
 - (g) have sharp edges, projections or moving parts that may be a nuisance or danger to road users; or
 - (h) constitute or be likely to constitute in any way a danger or nuisance to road users or the environment.

Related information

Some examples of signs that may not comply with subclause (2) are:

- If there are too many signs on a single location that are not reasonably spaced apart they are likely to distract road users who are trying to read them all at the same time and therefore the signs will not comply with paragraph (b).

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- Signs that are made with fluorescent or phosphorescent material may mislead or distract drivers from traffic signs installed in the vicinity or mask those signs and therefore not comply with paragraph (c).
 - A sign that reflects the light from the lamps of any vehicle on the road would not comply with paragraph (d).
- (3) All posters, placards, handbills, writings, pictures, or devices for advertising or other purposes must be constructed, fixed, placed and maintained in accordance with the provisions of Schedule 3 to ensure they are not and do not become a danger or nuisance.
 - (4) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with Schedule 3 if the person has an approval from Council for the display.
 - (5) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2)(e) if the person has an approval from Council for the display.
 - (6) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2), if –
 - (a) it is displayed for a limited period of time to advertise a sporting, community or cultural event; and
 - (b) it is a maximum size of 3 square metres; and
 - (c) the person has an approval for the display from Council; and
 - (d) it is removed no more than 2 days following the completion of the event to which it relates.
 - (7) For the purposes of the approvals from Council required in clause 11, if the planned display is to be located on Te Oneroa-a-Tōhe/90 Mile Beach, it must be approved by the Te Oneroa-a-Tōhe Beach Board before an approval is applied for under this bylaw and evidence of the Board's approval must be included with the application to Council made under this bylaw.
 - (8) For the purposes of this clause "public buildings" means buildings that are owned by the council and for the avoidance of doubt a "road user" includes a pedestrian.
 - (9) This clause does not apply to advertisements for candidates in an election under the Electoral Act 1993 or the Local Electoral Act 2011.

Related information

Other types of signs, advertising or displays etc that are erected, placed or left on a road and not covered by the description in this clause are prohibited under section 357(1)(a) and (b) of the Local Government Act 1974 unless authorised by the council. Some signs may also require a resource consent under rules in the Far North District Plan made under the Resource Management Act 1991 or a building consent under the Building Act 2004. Signs on Te Oneroa-a-Tōhe/90 mile beach must be approved by the Te Oneroa-a-Tōhe Beach Board, in accordance with the Beach Management Plan (available at this link: <https://www.teoneroa-a-tohe.nz/beach-management-plan>), as well as the council. Any signage displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in English and te reo Māori.

Signs on State Highways are regulated in the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010, available at this link: <https://nzta.govt.nz/assets/resources/Bylaws-state-highway/Bylaw-2010-New-Zealand-Transport-Agency-Signs-on-State-Highways-Bylaw-July-2010.pdf>

Part 4: Trading on roads and footpaths

Last updated
19 May 2022

Road Use Bylaw

12 Approval required for stands and stalls in public places

- (1) A hawker, pedlar, or keeper of a mobile or travelling shop who wants to operate a stand or stall (including a vehicle used as a stall) —
 - (a) in any road or part of a road; or
 - (b) in any public place adjoining a road or State highway if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic –
 must have written approval from the Council to operate that stand or stall.
- (2) Subclause (1) does not apply to a person who meets the description in section 31(1) of the Food Act 2014, but subclauses (3) and (4) do apply to that person.

Related information

As at 23 February 2021, section 31(1) of the Food Act 2014 is:

31 Exemption from food control plan and national programme if trading in food for certain fund-raising

(1) This section applies if—

- (a) a person or group of persons trades in food for the sole purpose of raising money for a charitable, benevolent, philanthropic, or cultural purpose; and
- (b) the fund-raising activity is not carried out on more than 20 occasions in any calendar year (unless it is incidental to another charitable, benevolent, or philanthropic activity, such as a permanent stall selling donated goods at a hospice).

- (3) Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part A of Schedule 4 is prohibited.
- (4) Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part B of Schedule 4 is restricted to the type of stand or stall stated in that schedule and the council may not grant an approval for any other type of stand or stall in the specified road, part of a road or public place.
- (5) Subclauses (3) and (4) do not apply to a person who has a licence to occupy the road or public place from the council or to stands or stalls that are part of an event and included in the council's authorisation of the event.

Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

"hawker" and "pedlar" are common older words used to refer to a person who sells things either by travelling from place to place (hawker) or door-to-door or on a street (pedlar).

13 Approval required for alfresco dining on footpaths or shared roadways

- (1) A person who wants to occupy any part of a road with structures for providing food or beverage services, including tables, chairs, umbrellas, or heaters, must have written approval from the Council for that occupation.
- (2) A person may not apply for an approval under this clause to occupy –
 - (a) any place that is adjacent to a pedestrian crossing or a place where parking is restricted to passenger service vehicles; or
 - (b) any place that will obstruct, or interfere with, the use of council street furniture or rubbish bins by the public; or
 - (c) any place that will obstruct access to, or egress from, any building.

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- (3) The area for which an approval is sought must leave a minimum of 1.5 metres clear access for pedestrian traffic.

Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

An approval under this clause does not include providing alcohol. A separate licence is required under the Sale and Supply of Alcohol Act 2012.

Part 5: Animals on roads

14 General requirements

- (1) A person having control of animals being driven or ridden on any road must ensure that any solid materials deposited on the road from the animals are removed and disposed of within a reasonable period of time, if these materials cause or are likely to cause in any way a danger or nuisance to road users or damage to the road.
- (2) A person must not drive any stock on any road during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.

Related information

The Land Transport (Road User) Rule 2004 includes other requirements that apply to leading or riding animals on roads and must be complied with on the roads where animals are permitted under this bylaw. For example, clause 11.14(4) prohibits a person from riding an animal on a footpath.

Under section 33 of the Impounding Act 1955 stock straying or wandering on any road can be impounded and the owner prosecuted for an offence under that Act.

Part 6: General road safety

Related information

The clauses in this Part are made under section 22AB(1)(zk) of the Land Transport Act 1998 to regulate road-related matters, including (but not limited to) enhancing or promoting road safety or providing protection for the environment.

In addition to the provisions of this bylaw, several other actions on roads, if done without the council's permission, are offences under section 357(1) of the Local Government Act 1974. For example: a building or fence that encroaches on a road, digging up the soil of a road or excavation near a road, or placing or leaving any thing (such as a skip) on the road.

Similarly, if someone wants to use a road (including a footpath) for an event, the person must get the council's permission under section 342 of the Local Government Act 1974. The council can also close roads for "vehicle races or trials, or any processions, carnivals, celebrations, sporting events, or other special events" under the Transport (Vehicular Traffic Road Closure) Regulations 1965.

15 Safe placement of bins, skips or containers on roads

- (1) A person must not place a waste bin, skip, shipping container or other similar receptacle on a road unless it –

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- (a) is on a part of the road where parking is not prohibited or restricted under the council's Parking Bylaw; and
 - (b) is not closer than one metre to a traffic lane at any time; and
 - (c) has its edge that faces on-coming traffic painted white or a fluorescent colour that is in contrast to the colour of its main body and the edge markings are maintained to ensure clear visibility to traffic; and
 - (d) is not left on the road between half an hour after sunset of one day and half an hour before sunrise the following day unless properly lit by flashing amber lights on outer corners of the bin facing on-coming traffic.
- (2) This clause does not apply to containers of domestic waste placed on a road in a manner that complies with the council's Solid Waste Bylaw.

Related information

The council's Solid Waste Bylaw can be read at this link:

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/governance-and-executive-management-gem/bylaws/solid-waste/solid-waste-bylaw-2016.pdf>

16 Activities that may impede or obstruct road users

A person must not perform, sing, play musical instruments, preach, lecture or exhibit on a road –

- (a) in a way that impedes pedestrians or vehicles; or
- (b) in a way that prevents or obstructs access to shops or premises adjacent to the road; or
- (c) in a way that creates a nuisance.

Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

Part 7: Approvals

17 Application for approval

- (1) An application for an approval required by this bylaw must be made to the council by the person, company or group who needs the approval ("**the applicant**") and –
- (a) be in the form required by the council; and
 - (b) include all the information required by this bylaw and by Council; and
 - (c) be accompanied by the applicable fee set in the council's Fees and Charges Policy.

Related information

The Fees and Charges Policy can be read at this link:

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/ltf-and-annual-plans/fees-and-charges/fees-and-charges.pdf>

- (2) All applications for an approval must include –
- (a) information about the applicant and their contact details as required in the form; and
 - (b) the address or a description of the location where the matter covered by the approval will occur.
- (3) An application is not treated as having been made until all the provisions in this clause have been complied with.

18 Assessment of application

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The council must assess all applications that are received for approvals under this bylaw as soon as reasonably practicable after the application has been made. When assessing an application, the Council must consider –

- (a) whether the matter covered by the approval will comply with any applicable provisions of this or any other bylaw made by the council; and
- (b) whether any conditions are required to be included in the approval under clause 20; and
- (c) if the application relates to a sign, any relevant assessment criteria in the Operative Far North District Plan; and
- (d) any other factors that Council considers relevant to the application.

19 Decision on application

- (1) The council must decline an application for an approval under this bylaw unless the matter to be covered by the approval –
 - (a) is a permitted activity under any applicable plan, provision, statutory or regulatory requirement; or
 - (b) is covered by a resource consent – under the Resource Management Act 1991.
- (2) The council may grant an approval if it is satisfied the approval will not, or is not likely to, –
 - (a) affect the safe or efficient operation of any road, footpath, grass verge, grass berm or public place; or
 - (b) be a nuisance, or source of a nuisance, or a health hazard, or a danger to traffic; or
 - (c) detract from the amenity or character of a neighbourhood.
- (3) The council may decline an application for an approval if –
 - (a) it is not satisfied about any one or more of the matters in subclause (2); or
 - (b) granting the approval would unreasonably affect the council's ability to enhance or promote road safety or provide protection for the environment.
- (4) An applicant may withdraw their application for an approval under this bylaw at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.

20 Conditions on approvals

- (1) All approvals granted under part 7 of this bylaw must include a condition that enables the council to carry out inspections to ensure the approval and any other conditions under that approval are being complied with.
- (2) The council may include conditions on an approval for any one or more of the following matters –
 - (a) limiting the days, or times of day, a thing can be put on a road, or public place adjoining a road, and the condition may also require the thing –
 - (i) to be lit by flashing amber lights on outer corners facing on-coming traffic or such other lighting that may be considered by the council to be sufficient; or
 - (ii) to be contained within an area on the road that has been fenced off in a manner that satisfies the council;
 - (b) payment of a bond, of an amount determined by the council, to be used by the council to make good any damage caused by the person granted the approval. The council may

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charge that person a further amount if the bond does not cover the full cost incurred by the council:

- (c) where normal pedestrian traffic will be impeded or pedestrians will pass nearby, specifying how pedestrian safety is to be ensured:
- (d) requiring action to be taken, including to –
 - (i) prevent tools, dust, rubbish, materials or water falling on vehicles or adjoining land; or
 - (ii) keep footpaths clean; or
 - (iii) prevent dirt or water falling on the public; or
 - (iv) protect road safety, including the safety of pedestrians; or
 - (v) prevent the obstruction of street channels; or
 - (vi) protect street lamps, which must not be enclosed unless specified otherwise in the approval; or
 - (vii) protect fire hydrants, which must not be enclosed and must be able to be easily got at and used; or
 - (viii) minimise any likely obstruction to road users:
- (e) requiring the person granted the approval to hold a current insurance policy of a specified amount (such amount to be determined at the sole discretion of the council) covering any damage that may be caused and providing a copy of the policy to the council:
- (f) requiring a copy of the approval to be displayed on any premises:
- (g) restricting the area or space the approval applies to:
- (h) removal of litter:
- (i) prohibiting or restricting the use of amplified equipment, megaphone or similar devices:
- (j) requiring access to all underground services to be provided at all times:
- (k) any other matter the council considers is reasonable to enhance or promote road safety or protect the environment.

21 Duration of approval

- (1) All approvals granted under this bylaw have a duration of 12 months from the date granted, unless another duration period is specified in the approval.
- (2) A person granted an approval may apply to the council to renew the approval, before the end of its duration, by –
 - (a) informing the council, in writing, the approval is still necessary and giving reasons why; and
 - (b) demonstrating any conditions are being met, or seeking amendment of the conditions.
- (3) The provisions of this bylaw about approvals apply to the renewal of an approval, with any necessary modifications, including payment of any applicable fee.
- (4) If the council has not made a decision on the renewal application before the duration of the approval ends, the approval will continue to have effect until the renewal application is decided.
- (5) For the avoidance of doubt, if the duration of an approval has ended, the person granted the approval may apply for a new approval and refer to the previous approval to support their application, but during the time between the previous approval ending and a new one being determined, the applicant cannot do any of the things that were covered by the previous approval. The applicant must remove all items covered by the previous approval and ensure the location is cleared of any hazards caused by their activity.

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22 Objections

- (1) An applicant may object to the council about –
 - (a) a decision to decline an approval by lodging an objection in writing within 20 working days after the date of the decision; or
 - (b) a condition on an approval by lodging an objection in writing within 20 working days after the date of the decision.
- (2) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (3) Nothing in this clause affects the right of an applicant to apply for judicial review of a decision to decline an application for an approval or a decision to include conditions on an approval.

23 Amendment of approval

A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval (including payment of a fee), with any necessary modifications.

24 Transfer of approval

Approvals are not transferable to any other person, company or group.

25 Suspending or cancelling approval

- (1) The council may suspend or cancel an approval, in its absolute discretion, if –
 - (a) the council has approved an event or road stoppage at the same location, which, in the Council's opinion, necessitates the suspension or cancellation; or
 - (b) any conditions on the approval are not being met; or
 - (c) the council considers the suspension or cancellation necessary to enhance or promote road safety, provide protection for the environment, or for any other reason it considers relevant and reasonably necessary.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the approval, or from five working days after the written notice was sent via post or email to the address or email address provided to the Council by the applicant, whichever is earliest. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling an approval does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for any acts or omissions that may have contributed to the suspension or cancellation of the approval.
- (4) The person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in sub-clauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.

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- (7) Any fees paid for the approval are not refundable if the council suspends or cancels the approval.

26 Other obligations not affected

An approval does not affect or limit the obligations of any person to comply with any legislation or regulatory requirement that applies to the matters covered by the approval.

Part 8: Vehicles on Beaches

27 Vehicles prohibited

All vehicles are prohibited on any beach or any part of a beach which is identified in schedule 6 at all times unless an exemption has been provided under clause 29 of this Bylaw.

28 Restriction on the use of vehicles on beaches

- (1) Vehicles are prohibited on any beach or any part of a beach which is identified in schedule 7 during the times and or dates listed in the schedule unless an exemption has been provided under clause 29 of this bylaw.
- (2) Where schedule 7 specifies that the restriction on vehicles on any beach or part of a beach should be limited to a class or description of vehicles, the restriction in subclause (1) only applies to vehicles of that class or description.

29 Exemptions

- (1) Any employee, contractor or nominee of an authorised agency who is carrying out the lawful functions of that agency is exempt from the restrictions imposed under clause 30 and 31 of this bylaw.
- (2) Council may issue an exemption to clause 27 and 28 of this bylaw to any person and may impose any conditions to that exemption. Council may revoke an exemption in its sole discretion at any time.

30 Persons to provide details

Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw relating to vehicles on beaches the person shall, on demand by an enforcement officer, give his or her full name and full address. The failure to provide such information or give correct information shall constitute a further offence against this Bylaw.

31 Offenders to leave beach

Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw, the enforcement officer may direct the person to immediately leave the beach, and the person may be further prohibited by that officer from re-entering the beach for a period of 24 hours.

Part 9: Enforcement, offences and penalties

Related information

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The council has powers under the Land Transport Act 1998 and Local Government Act 2002 to take various actions to enforce the provisions of this bylaw. For example, under section 128E of the Land Transport Act 1998 the council can remove vehicles that are causing an obstruction. All other actions to enforce the provisions of this bylaw are taken by the Police.

32 Offence and penalty

- (1) A person who fails to comply with or breaches this bylaw commits an offence under the Local Government Act 2002 and the Land Transport Act 1998 and is liable to the penalties set out in those Acts.
- (2) Subclause (1) does not prevent the council or other enforcement authorities from having recourse to other legal remedies, as they see fit, to enforce the provisions of this bylaw.

Related information

A person who commits an offense against this Bylaw under the Land Transport Act 1998 may be served with an infringement notice in accordance with sections 22AB and 139 of the Land Transport Act 1998 and may be liable to a fine of up to \$1,000. A person who is convicted of an offense against this Bylaw under the Local Government Act 2002 is liable to a fine not exceeding \$20,000.

Breaches of this bylaw may also be offences under the Land Transport (Offences and Penalties) Regulations 1999 with fines of up to \$1000.

Part 10: Savings and transitional provisions

33 Parking and Traffic Control Bylaw revoked in part

- (1) Clauses 2004, 2006, 2007, 2008, 2009 and Schedules 2, 3, 4, 5, 6, 7 and 8 of the Parking and Traffic Control Bylaw made by the council on 17 June 2010 and all amendments made to those clauses or schedules are revoked.
- (2) All resolutions made pursuant to the provisions referred to in subclause (1) are also revoked.
- (3) The revocations in this clause do not prevent any legal proceedings, criminal or civil, commenced to enforce the bylaw or resolutions from continuing to be dealt with and completed as if the bylaw or resolutions had not been revoked.

34 Skating and Cycles Bylaw revoked

- (1) The Skating and Cycles Bylaw made by the council on 12 July 2007 and all amendments made to that bylaw are revoked.
- (2) The revocation of the Skating and Cycles Bylaw in this clause does not prevent any legal proceedings, criminal or civil, commenced to enforce that bylaw from continuing to be dealt with and completed as if the bylaw had not been revoked.

35 Nuisances Bylaw revoked in part

Clause 1106 of Chapter 11 (Nuisances) of the General and Fire Bylaw made by the council on 28 November 1990 is revoked.

36 Applications, approvals etc under revoked bylaws

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All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause 33, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except –

- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw commences; and
- (b) any approval, permit or authorisation granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

37 Other existing permits or approvals for matters regulated under this bylaw

If, before the date this bylaw commenced, the council granted a person a permit, authorisation, licence, approval or other form of consent to do any act or thing that is regulated under this bylaw, that permit, authorisation, licence, approval or other form of consent will continue, and be treated, as if it is an approval granted under this bylaw, except –

- (a) the permit, authorisation, licence, approval or other form of consent will only continue until the date that is 12 months from the date this bylaw commences; and
- (b) the permit, authorisation, licence, approval or other form of consent granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

Related information

The effect of clauses 36 and 37 is that anything that may have been previously approved by the council, whether under the revoked bylaws or under the council's general powers in the Local Government Act 2002 or any other Act, will continue to be approved until 12 months after this bylaw commences. If the person doing the thing wants to continue doing it after that date, they must apply for a new approval under this bylaw. Clause 37 in particular will affect people who have permits, licences or approvals for mobile shops or signs.

Schedules

38 Roads that have vehicle restrictions or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where, under clause 7, vehicles must travel only in the direction specified.
- (2) Schedule 2 has 3 parts –
 - (a) Part A lists the roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right:
 - (b) Part B lists the roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited:
 - (c) Part C lists the roads, or parts of roads where, under clause 8, wheeled recreational devices are prohibited.
- (3) Schedule 4 lists the roads or public places where, under clause 13, the occupation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop is prohibited or restricted. Schedule 4 has two parts –
 - (a) Part A specifies the roads or places where stands or stalls are prohibited:
 - (b) Part B specifies the roads or places where only certain types of stands or stalls can be approved.
- (4) Schedule 6 lists the beaches or parts of beaches where vehicles are prohibited at all times.

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- (5) Schedule 7 lists the beaches or parts of beaches where vehicles are prohibited at specified times and or dates.
- (6) The Schedules described in this clause are organised by the type of restriction or prohibition. Schedule 5 shows all the restrictions or prohibitions on maps for the town or area they apply to, for ease of reference only. Schedule 5 is not part of this bylaw and if there is any conflict or inconsistency between it and the other Schedules in this clause, the other Schedules prevail.

39 Provisions for signs to not be a danger or nuisance

Schedule 3 states provisions for the construction, fixing, placing and maintenance of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h).

40 Amendment of Schedules

- (1) The council may, by resolution, add or remove any road, or part of a road, or public place from Schedules 1, 2, or 4.
- (2) The council may, by resolution, add or remove any beach, or part of any beach from schedule 6.
- (3) The council may, by resolution, add or remove any beach, or part of any beach from schedule 7 and may amend, add or remove any time or date restrictions applicable to those beaches.
- (4) The council may, by resolution, add or remove any provisions from Schedule 3.
- (5) Schedule 5 may be amended or removed without any formality.

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Schedule 1 – Roads where vehicles must travel in a specified direction

Clause 7

Roads, or parts of roads, where, under clause 7, vehicles must travel only in the direction specified

ROAD NAME	TRAVEL DIRECTION	START GPS	END GPS
DICKESON STREET	Southerly	-35.4078617987209, 173.799459289245	-35.4086896463027, 173.800126053371
FAIRWAY DRIVE	South East	-35.2262859468282, 173.948055830472	-35.2271030950929, 173.949224484447
HOMESTEAD ROAD	North West to North East	-35.228403843574, 173.948081874859	-35.2262859468282, 173.948055830472
KERIKERI ROAD	South West	-35.2271030950929, 173.949224484447	-35.228403843574, 173.948081874859
LYON STREET	Easterly	-35.3165902527345, 174.114493268496	-35.3170231732711, 174.117421123837
THE STRAND (NORTH)	Northbound	-35.2618361520496, 174.12151016454	-35.2598179764385, 174.12065684762
THE STRAND (SOUTH)	Southbound	-35.2618361520496, 174.12151016454	-35.2637971260703, 174.121798983856
WILLIAMS ROAD	Southerly	-35.2813432670373, 174.091970489943	-35.2821262432564, 174.091045822137

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Schedule 2 – Roads where turning right or certain vehicles prohibited

Clause 8

Part A – Roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right

ROAD NAME	LOCATION	START_GPS	END_GPS
HONE HEKE ROAD		-35.2274901432561, 173.956737019312	-35.2297291974002, 173.954844220669
MELBA STREET	At Melba Street	-35.1140100207861, 173.264259244944	-35.1141045089006, 173.264051480076

Part B – Roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited

ROAD NAME	LOCATION	RESTRICTION	START_GPS	END_GPS
COMMERCE STREET (KAITAIA)	Between the intersection of Pukepoto Road and Commerce Street and the intersection of Commerce Street and Redan/Couth Roads	No heavy vehicles that are bus or stock truck or truck and trailer or semi-trailer combination	-35.1165093774186, 173.265631704285	-35.108679520053, 173.258675165054

Part C – Roads, or parts of roads, where under clause 8 wheeled recreational devices are prohibited

ROAD NAME	LOCATION	Legal Desc	START_GPS	END_GPS
AUGUSTA PLACE	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.2261566863974, 173.947929980772	-35.2255903246232, 173.948326680357
BAYVIEW ROAD (PAIHIA)				
COBHAM COURT	Cobham Road, including Cobham Court, from Kerikeri Road junction with Hone Heke Road.		-35.2298434264742, 173.951959382446	-35.2283852705134, 173.953156239256
COBHAM ROAD	Cobham Road, including Cobham Court, from Kerikeri Road junction with Hone Heke Road.		-35.2276848153804, 173.948702361719	-35.2313124864811, 173.953481802509
COMMERCE STREET (KAITAIA)	Commerce street between its junction with Redan Road to the south and it's junction with Taafe Street to the north, on both the east and west sides of		-35.1165093774186, 173.265631704285	-35.1127442548037, 173.262964959387

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FAIRWAY DRIVE	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.2262859468282, 173.948055830472	-35.2261566863974, 173.947929980772
HOBSON AVENUE (KERIKERI)	Hobson Avenue Car Park	Lot 16 DP 35860, Part Lot 2 DP 83550, Section 64 Block XI Kerikeri SD, Lot 22 DP 35860, Section 46 Block XI Kerikeri SD, Lot 21 DP 35860, Lot 2 DP 97524, Lot 1 DP 97524, Part Lot 1 DP 26369		
HOBSON AVENUE (KERIKERI)			-35.2294054501442, 173.947186213376	-35.2289852947719, 173.950660228532
HOMESTEAD ROAD	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.228403843574, 173.948081874859	-35.2262859468282, 173.948055830472
HONE HEKE ROAD	Hone Heke Road, from the Junction with Cobham Road, to the junction adjoining Kerikeri Road.		-35.2210833849848, 173.954417629571	-35.2313124864811, 173.953481802509
JULIAN CAR PARK	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park	Part Lot 13 DP 28912		
KERIKERI ROAD	From the roundabout at the junction of that road, Butler Road, Hobson Avenue, to the junction with Clarke Road.		-35.2294054501442, 173.947186213376	-35.2255750424365, 173.950500400308
MARINO PLACE	Marino Place Car Park	LINZ Parcel id 6851067		
MARSDEN ROAD (SH11)	Land zoned Recreational Activities in the Far North District Plan on Marsden Road from the corner of School Road to Bayview Road	Lot 4 DP 57340, Lot 1 DP 11040, Lot 3 DP 57340, Lot 1 DP 57340, Lot 2 DP 57340, Lot 5 DP 57340, Part Lot 27 DP 11040		
PARNELL STREET	Parnell Street from the Police Station to the ferry ramp.		-35.3941585612966, 173.504681224527	-35.3925698107695, 173.505143403918
RAWENE FERRY RAMP	Parnell Street from the Police Station to the ferry ramp.		-35.3923884647662, 173.505189005378	-35.3921644377561, 173.505341377438
RUSSELL ESPLANADE	Parnell Street from the Police Station to the ferry ramp.		-35.3925698107695, 173.505143403918	-35.3923884647662, 173.505189005378
SELWYN ROAD (PAIHIA)			-35.2806868253955, 174.08908491049	-35.2821262432564, 174.091045822137
WILLIAMS ROAD	Williams Road to the corner of Joyces Road.		-35.2813432670373, 174.091970489943	-35.2844726239531, 174.08869556123

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Schedule 3 – Provisions for signs to not constitute a nuisance or danger

Clause 11(2)(h)

Posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that meet the provisions of this Schedule will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h). Signage that does not comply with these requirements must not be put up without written approval from the Council. Approval is at the sole discretion of the Council.

- (1) The poster, placard, handbill, writing, picture, or device must be constructed, fixed, placed and maintained to:
 - (a) not exceed 1 square metre in area or 2 metres for any edge dimension; and
 - (b) use a colour combination for the background, wording and legend that does not cause confusion with any of those used for any official road sign or traffic sign; and
 - (c) not display more than 6 words, symbols or graphics and no more than 40 characters; and
 - (d) use no reflective material; and
 - (e) provide no internal or external illumination; and
 - (f) have the bottom edge not more than 2.5 metres above road level or ground; and
 - (g) contain no moving parts or a dynamic display; and
 - (h) not reduce the width of any footpath or other place used by pedestrians to less than 1.5 metres and if fixed, be not closer than 5 metres from the edge of the carriageway, if moveable, be not closer than 2 metres from the edge of the carriageway; and
 - (i) be secured against wind gusts; and
 - (j) not project more than 50mm from a building frontage if it is less than 2.5 metres above ground level; and
 - (k) be more than the following distances from an intersection, permanent regulatory or warning sign, curve (with chevron signing), or pedestrian crossing:
 - (i) 100 metres in the urban environment (as defined by the Operative Far North District Plan); or
 - (ii) 200 metres in the rural environment (as defined by the Operative Far North District Plan).
- (2) On roads where the speed limit is 70km/h or less, the poster, placard, handbill, writing, picture, or device must use lettering and symbols at least 120 millimetres in height.
- (3) On roads where the speed limit is greater than 70km/h, the poster, placard, handbill, writing, picture, or device must:
 - (a) use lettering and symbols at least 160 millimetres in height; and
 - (b) provide an unrestricted view to drivers for a minimum distance of 180 metres; and
 - (c) have supports that meet the relevant requirements regarding strength, rigidity and impact performance in section 7.0 of the New Zealand Transport Agency's "Traffic Control Devices Manual – Part 1 General requirements for traffic signs".

Related information

The Traffic Control Devices Manual – Part 1 General requirements for traffic signs can be read at this link: [Traffic control devices manual - Part 1: General requirements for traffic signs \(nzta.govt.nz\)](https://www.nzta.govt.nz/traffic-control-devices-manual-part-1-general-requirements-for-traffic-signs)

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Schedule 4 – Roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted

Clause 13

Part A – Places where stands or stalls are prohibited

Kerikeri

Any place in the Stone Store Basin that is within a 300 metre radius of the Stone Store, including Landing Road.

Start GPS: -35.2150106378605, 173.962339324991

End GPS: -35.2150106378605, 173.962339324991

Paihia

Any place outside the Memorial Hall on Williams Road.

Start GPS: -35.2822803795467, 174.090925796558

End GPS: -35.2824091261618, 174.090781583073

Russell

The Strand (North)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.2598179764385, 174.12065684762

The Strand (South)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.264872330982, 174.121538317746

Part B – Places where type of stand or stall is restricted

- (1) Approvals for stands or stalls in or on the following roads or public places are restricted to those that spend a maximum of 60 minutes at the location, for example, mobile ice cream vendors –

(a) In Paihia at –

- (i) Paihia Beach and all reserves between School Road and Seaview Road

Start GPS: -35.2851187007768, 174.096891702562

End GPS: -35.2823553472988, 174.093036912683

- (ii) Te Tii Beach between the roundabout on junction of Puketona Rd and Marsden Rd through to the Bluff

Start GPS: -35.2788504373091, 174.089661222051

End GPS: -35.2773440975235, 174.08293900111

- (iii) Te Karuwha Parade

Start GPS: -35.2774686433065, 174.082874727032

End GPS: -35.2706370437992, 174.079689916184

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- (b) In Russell at –
 - (i) Tapeka Point Beach
Start GPS: -35.2470182629473, 174.116510214275
End GPS: -35.2460729956379, 174.118431103766
 - (ii) Long Beach in or on any place outside of the car park area
Start GPS: -35.2570963427531, 174.131095418639
End GPS: -35.2610813938921, 174.140446317826
- (2) Approvals for stands or stalls in or on the following roads or public places are restricted to those used by operators of a passenger service vehicle to sell tours or trips –
 - (a) In Paihia at Paihia Beach and all reserves between the Bluff through to School Road
Start GPS: -35.2823699222072, 174.093047512929
End GPS: -35.2788504373091, 174.089661222051

[Schedule 5 – Maps]

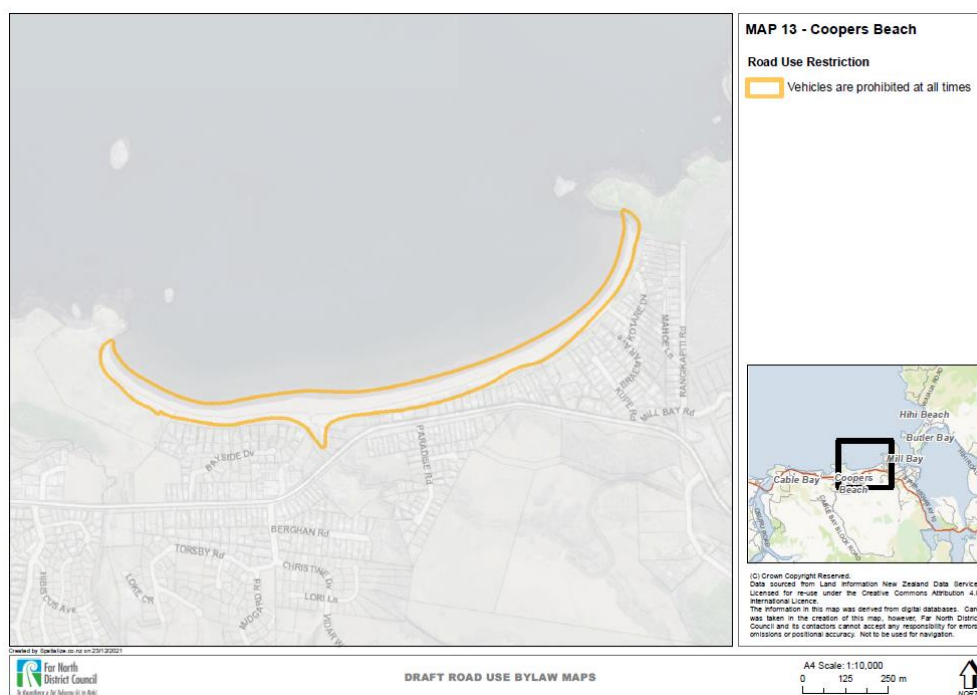
[As stated in Subclause 38 (6), Schedule 5 contains maps for ease of reference only. Schedule 5 is not part of this bylaw and is provided in a separate document.]

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Road Use Bylaw

Schedule 6 – Beaches or parts of beaches upon which vehicles are prohibited

1. Coopers Beach – Vehicles are prohibited on the entirety of Coopers Beach (as indicated on the Map below) at all times.



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Road Use Bylaw

Schedule 7 – Beaches or parts of beaches upon which vehicles are restricted

[No beaches or parts of beaches are included in Schedule 7 at this time.]



Road Use Bylaw 2022

Governing body of the Far North District Council

Resolution in Council 19 May 2022.

Bylaw made under sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998.

The bylaw is due for review by 19 May 2027.

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Road Use Bylaw

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Part 8 Vehicles on Beaches

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~~30~~ 32 Offence and penalty

Part ~~9-10~~ Savings and transitional provisions

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~~33~~ 35 Nuisances Bylaw revoked in part

~~34~~ 36 Applications, approvals etc under revoked bylaws

~~35~~ 37 Other existing permits or approvals for matters regulated under this bylaw

Schedules

~~36~~ 38 Roads that have vehicle restrictions or prohibitions

~~37~~ 39 Provisions for signs to not be a danger or nuisance

~~38~~ 40 Amendment of Schedules

Schedule 1 Roads, or parts of roads, where vehicles must travel in a specified direction

Schedule 2 Roads, or parts of roads, where turning right or certain vehicles prohibited

Schedule 3 Provisions for signs to not constitute a nuisance or danger

Schedule 4 Roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted

Schedule 5 Maps [not part of the bylaw, for ease of reference only]

[\[view at this link\]](#)

Schedule 6 Beaches or parts of beaches upon which vehicles are prohibited

Schedule 7 Beaches or parts of beaches upon which vehicles are restricted

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Road Use Bylaw

1 Title

This bylaw is the Road Use Bylaw 2022.

2 Related information boxes

Boxes headed "Related information" in this bylaw are for information purposes only, and –

- (a) they do not form part of this bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this bylaw; and
- (c) may be inserted, amended or removed by Council without any formality.

3 Commencement

This bylaw comes into force ~~two days after the date it is made by the governing body of the Far North District Council on 23 May 2022.~~

Related information

This bylaw is due for review by 19 May 2027.

4 Application

This bylaw applies to the district of the Far North District Council.

Related information

~~This bylaw does not apply to roads in the district that are state highways. State highways are regulated by Waka Kotahi (New Zealand Transport Agency).~~

Part 1: Preliminary provisions

5 Purpose

The purpose of this bylaw is to regulate or control the use of roads and adjoining land by –

- (a) vehicles; and
- (b) stands, stalls or mobile shops; and
- (c) animals; and
- (d) structures, vegetation or other things that may affect road safety or the environment.

6 Interpretation

- (1) In this bylaw, unless the context otherwise requires, –

approval means an approval granted under this bylaw and includes all conditions to which the approval is subject.

Authorised agency means the New Zealand Police, New Zealand Fire and Emergency, St Johns Ambulance, Northland Regional Council, Department of Conservation and any surf life saving club.

beach means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation, but does not include any private property or land administered by the Department of Conservation.

council means the governing body of the Far North District Council, or any person delegated to act on its behalf.

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Enforcement officer means any person appointed by Council under section 177 of the Local Government Act 2002, any parking warden appointed by Council under section 128D of the Land Transport Act 1998 and any person defined as an enforcement officer under section 2(1) of the Land Transport Act 1998.

footpath has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021, the definition is: means a path or way principally designed for, and used by, pedestrians; and includes a footbridge.

heavy motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 1 April 2021 the definition is: means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) having a gross vehicle mass exceeding 3500 kg.

motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 01 February 2011, the definition is:

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include—
 - (i) a vehicle running on rails; or
 - (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (vi) a pedestrian-controlled machine; or
 - (vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or
 - (viii) a mobility device.

keeper has the same meaning as in section 22AB(6) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is: In relation to a mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of the mobile or travelling shop.

mobile or travelling shop has the same meaning as in section 22AB(6) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is:

- (a) means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or available for sale in the road, or from which goods, wares, or merchandise may be ordered in the road (whether or not in response to any invitation) or from which services are offered for sale in the road; but

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- (b) does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares, or merchandise ordered previously.

parking warden has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is: means a person appointed [by a local authority] to hold the office of parking warden under section 128D [of the Land Transport Act 1998].

road has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at as at 01 April 2021, the definition is: includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of this Act or any other enactment.

The effect of this definition, in particular paragraph (d), is that any public place where it is possible for a vehicle to be driven or ridden is a road, even on places that are not commonly used as a vehicle route but are able to be accessed by the public on a vehicle, and the provisions in this bylaw apply to that place.

vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

Related information

As at 01 April 2021 the definition is:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) does not include—
 - (i) a perambulator or pushchair;
 - (ii) a shopping or sporting trundler not propelled by mechanical power;
 - (iii) a wheelbarrow or hand-trolley;
 - (v) a pedestrian-controlled lawnmower;
 - (vi) a pedestrian-controlled agricultural machine not propelled by mechanical power;
 - (vii) an article of furniture;
 - (viii) a wheelchair not propelled by mechanical power;
 - (ix) any other contrivance specified by the rules not to be a vehicle for the purposes of this definition;
 - (x) any rail vehicle.

wheeled recreational device has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

Related information

As at 01 May 2021 the definition is:

- (a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that

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- have a combined maximum power output not exceeding 300 W.
- (2) The Interpretation Act 1999 applies to this bylaw.
- Related information**
This means words and phrases that are defined in the Interpretation Act 1999 have the same meaning in this bylaw. For example, as at 01 January 2014, the Act defines **person** as "includes a corporation sole, a body corporate, and an unincorporated body."

Part 2: Vehicle restrictions

7 Roads where vehicles must travel in a specified direction

All vehicles on the roads, or parts of roads, listed in Schedule 1 must travel only in the direction specified for the road, or part of road, in that Schedule. A person must not drive a vehicle in contravention of this clause.

Related information
These roads have "One way" signs erected.

8 Roads where turning right or certain vehicles prohibited

- (1) All vehicle on the roads, or parts of roads, listed in Part A of Schedule 2 are prohibited from turning to the right. A person must not drive a vehicle in contravention of this subclause.

Related information
These intersections have "No right turn" signs erected.

- (2) Heavy motor vehicles are prohibited from travelling on the roads, or parts of roads, listed in Part B of Schedule 2. A person must not drive a heavy motor vehicle in contravention of this subclause.

Related information
These roads have "No heavy vehicles" signs erected.

- (3) Wheeled ~~recreation~~ ~~recreational~~ devices are prohibited from ~~travelling being used~~ on the roads, or parts of roads, listed in Part C of Schedule 2. A person must not use a wheeled ~~recreation~~ ~~recreational~~ device in contravention of this subclause.

Related information
Devices include skateboards and scooters, but not cycles. On roads not listed in Part C of Schedule 2, wheeled ~~recreation~~ ~~recreational~~ devices must be used and operated in accordance with clause 11.1 of the Land Transport (Road User) Rule 2004. The Land Transport (Road User) Rule 2004 also contains restrictions and prohibitions on riding cycles.

9 Vehicles containing offensive matter not to be left on road

- (1) A person must not leave a vehicle containing, or that recently contained, manure, offal, or any other matter or thing that is likely to be offensive or injurious to health, on any road, or place adjoining a road that is within 30 metres of any dwellinghouse, –
- (a) during the period between half an hour after sunset and half an hour before sunrise; or
- (b) for ~~any unnecessary length of time~~ ~~more than two hours~~ during any other part of a day.
- (2) In this clause "dwellinghouse" has the same meaning as in section 2(1) of the Health Act 1956.

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As at 29 June 2021 the definition is: means any building, tent, caravan, or other structure or erection, whether permanent or temporary, that is used or intended to be used in whole or in part for human habitation, and includes the land and any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

Part 3: Putting structures or vegetation on or near roads

10 ~~Approval required for erecting or planting things near intersections etc~~ Vegetation, walls, or fences must not cause nuisance or danger to traffic

A person must not plant or erect, at or within 5 meters distance from corners, bends, or intersections on roads, any tree, shrub, hedge, scrub, or other growth, or fence or wall, that, in the opinion of the council is, or is likely to constitute, a source of nuisance or danger to traffic.

Related information

The council can require the owner of any land adjoining a road corridor to remove or trim any vegetation or wall under section 355 of the Local Government Act 1974.

In general it is an offence to place vegetation, a fence or other items on any part of a public road (which includes the berm) without authorisation, under section 357 of the Local Government Act 1974, and the council will normally require their removal. In exceptional circumstances, if deemed an appropriate use of public land, the Council may decide to grant a licence to occupy the road.

11 Only certain signs allowed on or near road

- (1) Except as provided in subclauses ~~(4)~~, (5) and (6), a person must not cause, permit or otherwise enable the display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes in contravention of subclause (2) –
 - (a) on or over public buildings or bridges; or
 - (b) on or over buildings, walls, fences, posts, trees, footpaths, or hoardings — that are situated –
 - (c) in, or on, or adjoining any land or road that is the property of, or under the control of, the council; or
 - (d) any place where that display is visible from a road or public place – in contravention of subclauses (2) and (3).
- (2) Any display, or continued display, of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes must not –
 - (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signals; ~~and~~
 - (b) distract unduly or be likely to distract unduly the attention of a road user; ~~and~~
 - (c) resemble or be likely to be confused with any traffic sign or signal; ~~and~~
 - (d) give rise to excessive levels of glare; ~~and~~
 - (e) use lights or reflective materials; ~~and~~
 - (f) invite drivers to turn so close to a turning point that there is no time to signal or turn safely; ~~and~~
 - (g) have sharp edges, projections or moving parts that may be a nuisance or danger to road users; ~~and or~~

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- (h) constitute or be likely to constitute in any way a danger or nuisance to road users or the environment.

Related information

Some examples of signs that may not comply with subclause (2) are:

- If there are too many signs on a single location that are not reasonably spaced apart they are likely to distract road users who are trying to read them all at the same time and therefore the signs will not comply with paragraph (b).
- Signs that are made with fluorescent or phosphorescent material may mislead or distract drivers from traffic signs installed in the vicinity or mask those signs and therefore not comply with paragraph (c).
- A sign that reflects the light from the lamps of any vehicle on the road would not comply with paragraph (d).

- ~~(3) Any poster, placard, handbill, writing, picture, or device for advertising or other purposes displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in English and Te Reo Māori.~~
- (43) ~~For the purposes of subclause (2)(h) only, All posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that are must be constructed, fixed, placed and maintained in accordance with the provisions of Schedule 3 will be treated by the council as not constituting to ensure they are not and do not become~~ a danger or nuisance.
- (4) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with Schedule 3 if the person has an approval from Council for the display.
- (5) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2)(e) if the person has an approval from Council for the display.
- (6) A person may display a poster, placard, handbill, writing, picture, or device for advertising or other purposes that does not comply with clause 11 subclause (2), if –
- (a) it is displayed for a limited period of time to advertise a sporting, community or cultural event; and
 - (b) it is a maximum size of 3 square metres; and
 - (c) the person has an approval for the display from Council; and
 - (d) it is removed no more than 2 days following the completion of the event to which it relates.
- (7) For the purposes of the approvals from Council required in ~~subclauses (5) and (6)~~ clause 11, if the planned display is to be located on Te Oneroa-a-Tōhe/90 Mile Beach, it must be approved by the Te Oneroa-a-Tōhe Beach Board before an approval is applied for under this bylaw and evidence of the Board's approval must be included with the application to Council made under this bylaw.
- (8) For the purposes of this clause "public buildings" means buildings that are owned by the council and for the avoidance of doubt a "road user" includes a pedestrian.
- (9) This clause does not apply to advertisements for candidates in an election under the Electoral Act 1993 or the Local Electoral Act 2011.

Related information

Other types of signs, advertising or displays etc that are erected, placed or left on a road and not covered by the description in this clause are prohibited under section 357(1)(a) and (b) of the Local Government Act 1974 unless authorised by the council. Some signs may also require a resource consent under rules in the Far North District Plan made under the Resource Management Act 1991 or a building consent under the Building Act 2004. Signs on Te Oneroa-

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a-Tōhe/90 mile beach must be approved by the Te Oneroa-a-Tōhe Beach Board, in accordance with the Beach Management Plan (available at this link: <https://www.teoneroa-a-tohe.nz/beach-management-plan>), as well as the council. Any signage displayed on Te Oneroa-a-Tōhe/90 Mile Beach must be bilingual in English and te reo Māori.

Signs on State Highways are regulated in the New Zealand Transport Agency (Signs on State Highways) Bylaw 2010, available at this link: <https://nzta.govt.nz/assets/resources/Bylaws-state-highway/Bylaw-2010-New-Zealand-Transport-Agency-Signs-on-State-Highways-Bylaw-July-2010.pdf>

Part 4: Trading on roads and footpaths

12 Approval required for stands and stalls in public places

- (1) A hawker, pedlar, or keeper of a mobile or travelling shop who wants to ~~occupy~~ operate a stand or stall (including a vehicle used as a stall) —
 - (a) in any road or part of a road; or
 - (b) in any public place adjoining a road or State highway if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic —
 must ~~apply to the council for approval~~ have written approval from the Council to ~~occupy~~ operate that stand or stall.
- (2) Subclause (1) does not apply to a person who meets the description in section 31(1) of the Food Act 2014, but subclauses (3) and (4) do apply to that person.

Related information

As at 23 February 2021, section 31(1) of the Food Act 2014 is:

31 Exemption from food control plan and national programme if trading in food for certain fund-raising

(1) This section applies if—

- (a) a person or group of persons trades in food for the sole purpose of raising money for a charitable, benevolent, philanthropic, or cultural purpose; and
- (b) the fund-raising activity is not carried out on more than 20 occasions in any calendar year (unless it is incidental to another charitable, benevolent, or philanthropic activity, such as a permanent stall selling donated goods at a hospice).

- (3) ~~Occupation~~ Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part A of Schedule 4 is prohibited.
- (4) ~~Occupation~~ Operation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop in the roads, or part of a road, or public places specified in Part B of Schedule 4 is restricted to the type of stand or stall stated in that schedule and the council may not grant an approval for any other type of stand or stall in the specified road, part of a road or public place.
- (5) Subclauses (3) and (4) do not apply to a person who has a licence to occupy the road or public place from the council or to stands or stalls that are part of an event and included in the council's authorisation of the event.

Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

"hawker" and "pedlar" are common older words used to refer to a person who sells things either by travelling from place to place (hawker) or door-to-door or on a street (pedlar).

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13 Approval required for alfresco dining on footpaths or shared roadways

- (1) A person who wants to occupy any part of a road with structures for providing food or beverage services, including tables, chairs, umbrellas, or heaters, must ~~apply to the council for approval~~ have written approval from the Council for that occupation.
- (2) A person may not apply for an approval under this clause to occupy –
 - (a) any place that is adjacent to a pedestrian crossing or a place where parking is restricted to passenger service vehicles; or
 - (b) any place that will obstruct, or interfere with, the use of council street furniture or rubbish bins by the public; or
 - (c) any place that will obstruct access to, or egress from, any building.
- (3) The area for which an approval is sought must leave a minimum of 1.5 metres clear access for pedestrian traffic.

Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

An approval under this clause does not include providing alcohol. A separate licence is required under the Sale and Supply of Alcohol Act 2012.

~~14~~ Approvals may be affected by other approved events

~~If the council has approved –~~

~~(a) the stopping of the road or part of the road; or~~

~~(b) an event, for example a Christmas parade, that will occur on the road or part of the road –~~

~~that an approval granted for the purposes of clause 12 or 13 applies to, the council may, in its absolute discretion, suspend the approval under clause 28 for the duration of the stopping or the event if, in the council's opinion, –~~

~~(c) the stopping or event will prevent or restrict actions covered by the approval from being done;~~

~~or~~

~~(d) the actions covered by the approval are inconsistent with the stopping or event.~~

Part 5: Animals on roads

~~15~~ 14 General requirements

- (1) A person having control of animals being driven or ridden on any road must ensure that any solid materials deposited on the road from the animals are removed and disposed of within a reasonable period of time, if these materials cause or are likely to cause in any way a danger or nuisance to road users or damage to the road.
- (2) A person must not drive any stock on any road during the period between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective devices or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.

Related information

The Land Transport (Road User) Rule 2004 includes other requirements that apply to leading or riding animals on roads and must be complied with on the roads where animals are

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permitted under this bylaw. For example, clause 11.14(4) prohibits a person from riding an animal on a footpath.
Under section 33 of the Impounding Act 1955 stock straying or wandering on any road can be impounded and the owner prosecuted for an offence under that Act.

Part 6: General road safety

Related information

The clauses in this Part are made under section 22AB(1)(zk) of the Land Transport Act 1998 to regulate road-related matters, including (but not limited to) enhancing or promoting road safety or providing protection for the environment.

In addition to the provisions of this bylaw, several other actions on roads, if done without the council's permission, are offences under section 357(1) of the Local Government Act 1974. For example: a building or fence that encroaches on a road, digging up the soil of a road or excavation near a road, or placing or leaving any thing (such as a skip) on the road.

Similarly, if someone wants to use a road (including a footpath) for an event, the person must get the council's permission under section 342 of the Local Government Act 1974. The council can also close roads for "vehicle races or trials, or any processions, carnivals, celebrations, sporting events, or other special events" under the Transport (Vehicular Traffic Road Closure) Regulations 1965.

~~16 Protection of people and vehicles when doing work near a road~~

~~(1) A person who is doing any work to, or on, any external part of a building that is adjacent to or near a road must take all reasonable steps to—~~

- ~~(a) protect any other person using or passing along the road from injury; and~~
- ~~(b) protect any vehicle using or passing along the road from damage; and~~
- ~~(c) ensure the work does not cause a nuisance or danger to traffic; and~~
- ~~(d) prevent any damage being caused to the road.~~

~~In this subclause "work" includes altering, repairing, painting, or cleaning any part of the building.~~

Related information

For example, the person could erect a fence or hoarding to prevent people or vehicles from coming near the work.

Compliance with this subclause does not affect any obligations the person may have under the Health and Safety at Work Act 2015.

~~(2) A person who is doing building work that includes any one or more of the following being done on a road or a public place adjoining a road—~~

- ~~(a) erecting scaffolding, gantries, hoardings, or barricades; or~~
- ~~(b) depositing building materials; or~~
- ~~(c) carrying out excavation work; or~~
- ~~(d) using a crane, stationary engine, concrete mixer, air compressor, crane, hoist, or other machinery—~~

~~must apply to the council for approval of that, or those, actions.~~

~~(3) In subclause (2), "building work" has the same meaning as in section 7(a) and (b) of the Building Act 2004 and "public place" means land or property of, or under the control of, the council.~~

Related information

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~~As at 08 June 2021 the definition of building work in the Building Act 2004 is:~~

~~(a) means work –~~

~~(i) for, or in connection with, the construction, alteration, demolition, or removal of a building; and~~

~~(ii) on an allotment that is likely to affect the extent to which an existing building on that allotment complies with the building code; and~~

~~(b) includes sitework.~~

~~47~~ 15 Safe placement of bins, skips or containers on roads

- (1) A person must not place a waste bin, skip, shipping container or other similar receptacle on a road unless it –
 - (a) is ~~not~~ on a part of the road where parking is not prohibited or restricted under the council's Parking Bylaw; and
 - (b) ~~does not encroach within one metre of a traffic lane~~ is not closer than one metre to a traffic lane at any time; and
 - (c) has its edge that faces on-coming traffic painted white or a fluorescent colour that is in contrast to the colour of its main body and the edge markings are maintained to ensure clear visibility to traffic; and
 - (d) is not left on the road between half an hour after sunset of one day and half an hour before sunrise the following day unless properly lit by flashing amber lights on outer corners of the bin facing on-coming traffic.
- (2) This clause does not apply to containers of domestic waste placed on a road in a manner that complies with the council's Solid Waste Bylaw.

Related information

The council's Solid Waste Bylaw can be read at this link:

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/governance-and-executive-management-gem/bylaws/solid-waste/solid-waste-bylaw-2016.pdf>

~~48~~ 16 Activities that may impede or obstruct road users

- ~~(1) A person must not organise or conduct a meeting, gathering, demonstration, parade, procession or competition on a road that impedes pedestrians or vehicles, or prevents or obstructs access to shops or premises adjacent to the road.~~
- ~~(2) A person must not participate in any assembly, or association, with other persons (including any of the activities referred to in subclause (1)) on a road that impedes pedestrians or vehicles, or prevents or obstructs access to shops or premises adjacent to the road.~~
- ~~(3) A person must not perform, sing, play musical instruments, preach, lecture or exhibit on a road –~~
 - (a) in a way that impedes pedestrians or vehicles; or
 - (b) in a way that prevents or obstructs access to shops or premises adjacent to the road; or
 - (c) in a way that creates a nuisance.

Related information

A footpath is part of a road and this clause applies to footpaths accordingly.

Part 7: Approvals

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~~19~~ Types of approval under this bylaw

- ~~(1) This clause is intended only as a guide to summarise the actions or things for which an approval is required under this bylaw and in the event of any conflict between this clause and any other clause of this bylaw, the latter prevails.~~
- ~~(2) A person may apply for an approval under this Part for –~~
 - ~~(a) Displaying a sign that uses flashing or revolving lights (clause 11);~~
 - ~~(b) Displaying an advertising sign for a temporary sporting, community or cultural event (clause 11);~~
 - ~~(c) Occupying a stand or stall for trading on a road (including a footpath) or public place (clause 12);~~
 - ~~(d) Occupying a road (including a footpath) with furniture or other things for alfresco dining (clause 13);~~
 - ~~(e) Building work on a road or a public place adjoining a road (clause 16).~~

~~20~~ 17 Application for approval

- (1) An application for an approval required by this bylaw must be made to the council by the person, company or group who needs the approval (“the applicant”) and –
 - (a) be in the form required by the council; and
 - (b) include all the information required by this bylaw and by Council; and
 - (c) be accompanied by the applicable fee set in the council's Fees and Charges Policy.

Related information

The Fees and Charges Policy can be read at this link:

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/tp-and-annual-plans/fees-and-charges/fees-and-charges.pdf>

- (2) All applications for an approval must include –
 - (a) information about the applicant and their contact details as required in the form; and
 - (b) the address or a description of the location where the matter covered by the approval will occur.
- (3) An application is not treated as having been made until all the provisions in this clause have been complied with.

~~24~~ 18 Assessment of application

The council must assess all applications that are received for approvals, ~~including as follows under this bylaw as soon as reasonably practicable after the application has been made. When assessing an application, the Council must consider –~~

- (a) ~~by determining~~ whether the matter covered by the approval will comply with any applicable provisions of this or any other bylaw made by the council; and
- (b) ~~considering~~ whether any conditions are required to be included in the approval under clause ~~23~~ 20; and
- (c) if the application relates to a sign, ~~by considering~~ any relevant assessment criteria in ~~rule 46.7.2 of the Operative~~ the Operative Far North District Plan; and
- ~~(ed) as soon as reasonably practicable after the application has been made, any other factors that Council considers relevant to the application.~~

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22 19 Decision on application

- (1) The council must decline an application for an approval under this bylaw # unless the matter to be covered by the approval –
 - (a) is ~~not~~ a permitted activity under any applicable plan, provision ~~or, statutory or regulatory~~ requirement; or
 - (b) is ~~not~~ covered by a resource consent – under the Resource Management Act 1991.
- (2) The council may grant an approval if it is satisfied the approval will not, or is not likely to, –
 - (a) affect the safe or efficient operation of any road, footpath, grass verge, grass berm or public place; or
 - (b) be a nuisance, or source of a nuisance, or a health hazard, or a danger to traffic; or
 - (c) detract from the amenity or character of a neighbourhood.
- (3) The council may decline an application for an approval if –
 - (a) it is not satisfied about any one or more of the matters in subclause (2); or
 - (b) granting the approval would unreasonably affect the council's ability to enhance or promote road safety or provide protection for the environment.
- (4) An applicant may withdraw their application for an approval under this bylaw at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.

23 20 Conditions on approvals

- (1) All approvals granted under ~~clause 22~~ part 7 of this bylaw must include a condition that enables the council to carry out inspections to ensure the approval and ~~its any other~~ that approval are being complied with.
- (2) The council may include conditions on an approval for any one or more of the following matters –
 - (a) limiting the days, or times of day, a thing can be put on a road, or public place adjoining a road, and the condition may also require the thing –
 - (i) to be lit by flashing amber lights on outer corners facing on-coming traffic or such other lighting that may be considered by the council to be sufficient; or
 - (ii) to be contained within an area on the road that has been fenced off in a manner that satisfies the council;
 - (b) payment of a bond, of an amount determined by the council, to be used by the council to make good any damage caused by the person granted the approval ~~and the~~ The council may charge that person a further amount if the bond does not cover the full cost incurred by the council;
 - (c) where normal pedestrian traffic will be impeded or pedestrians will pass nearby, specifying how pedestrian safety is to be ensured;
 - (d) requiring action to be taken, including to –
 - (i) prevent tools, dust, rubbish, materials or water falling on vehicles or adjoining land; or
 - (ii) keep footpaths clean; or
 - (iii) prevent dirt or water falling on the public; or
 - (iv) protect road safety, including the safety of pedestrians; or
 - (v) prevent the obstruction of street channels; or

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- (vi) protect street lamps, which must not be enclosed unless specified otherwise in the approval; or
- (vii) protect fire hydrants, which must not be enclosed and must be able to be easily got at and used; or
- (viii) minimise any likely obstruction to road users:
- (e) requiring the person granted the approval to hold a current insurance policy of a specified amount (such amount to be determined at the sole discretion of the council) covering any damage that may be caused and providing a copy of the policy to the council:
- (f) requiring a copy of the approval to be displayed on any premises:
- (g) restricting the area or space the approval applies to, ~~including any area or space where parking is prohibited or restricted in the council's Parking Bylaw:~~
- (h) removal of litter:
- (i) prohibiting or restricting the use of amplified equipment, megaphone or similar devices:
- (j) requiring access to all underground services to be provided at all times:
- (k) any other matter the council considers is reasonable to enhance or promote road safety or protect the environment.

~~24~~ 21 Duration of approval

- (1) All approvals granted under this bylaw have a duration of 12 months from the date granted, unless another duration period is specified in the approval.
- (2) A person granted an approval may apply to the council to renew the approval, before the end of its duration, by –
 - (a) informing the council, in writing, the approval is still necessary and giving reasons why; and
 - (b) demonstrating any conditions are being met, or seeking amendment of the conditions.
- (3) The provisions of this bylaw about approvals apply to the renewal of an approval, with any necessary modifications, including payment of any applicable fee.
- (4) If the council has not made a decision on the renewal application before the duration of the approval ends, the approval will continue to have effect until the renewal application is decided.
- (5) For the avoidance of doubt, if the duration of an approval has ended, the person granted the approval may apply for a new approval and refer to the previous approval to support their application, but during the time between the previous approval ending and a new one being ~~granted determined~~, the applicant cannot do any of the things that were covered by the previous approval ~~and must take all actions necessary to ensure the location of anything done under the previous approval is made safe for all road users. The applicant must remove all items covered by the previous approval and ensure the location is cleared of any hazards caused by their activity.~~

~~25~~ 22 Objections

- (1) An applicant may object to the council about –
 - (a) a decision to decline an approval by lodging an objection in writing within 20 working days after the date of the decision; or
 - (b) a condition on an approval by lodging an objection in writing within 20 working days after the date of the decision.

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- (2) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (3) Nothing in this clause affects the right of an applicant to apply for judicial review of a decision to decline an application for an approval or a decision to include conditions on an approval.

~~26~~ 23 Amendment of approval

A person granted an approval may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for an approval (including payment of a fee), with any necessary modifications.

~~27~~ 24 Transfer of approval

Approvals are not transferable to any other person, company or group.

~~28~~ 25 Suspending or cancelling approval

- (1) The council may suspend or cancel an approval, in its absolute discretion, if –
 - (a) ~~clause 14 applies the council has approved an event or road stoppage at the same location, which, in the Council's opinion, necessitates the suspension or cancellation;~~ or
 - (b) any conditions on the approval are not being met; or
 - (c) the council considers the suspension or cancellation necessary to enhance or promote road safety, ~~or~~ provide protection for the environment, or for any other reason it considers relevant and reasonably necessary.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the approval, or from five working days after the written notice was sent via post or email to the address or email address provided to the Council by the applicant, whichever is earliest. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling an approval does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for ~~the any~~ acts or omissions that ~~were the reasons for~~ may have contributed to the suspension or cancellation of the approval.
- (4) The person who was granted an approval that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in sub-clauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an approval.
- (7) Any fees paid for the approval are not refundable if the council suspends or cancels the approval.

~~29~~ 26 Other obligations not affected

An approval does not affect or limit the obligations of any person to comply with any legislation or regulatory requirement that applies to the matters covered by the approval.

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Part 8: Vehicles on Beaches

30 27 Vehicles prohibited

All vehicles are prohibited on any beach or any part of a beach which is identified in schedule 6 at all times unless an exemption has been provided under clause ~~32 29~~ of this Bylaw.

34 28 Restriction on the use of vehicles on beaches

- (1) ~~All~~ Vehicles are prohibited on any beach or any part of a beach which is identified in schedule 7 during the times and or dates listed in the schedule unless an exemption has been provided under clause ~~32 29~~ of this bylaw.
- (2) ~~Where schedule 7 specifies that the restriction on vehicles on any beach or part of a beach should be limited to a class or description of vehicles, the restriction in subclause (1) only applies to vehicles of that class or description.~~

32 29 Exemptions

- (1) ~~Any employee, contractor or nominee of an authorised agency who is carrying out the lawful functions of that agency is exempt from the restrictions imposed under clause 30 and 31 of this bylaw.~~
- (2) ~~Council may issue an exemption to clause 30 27 and 34 28 of this bylaw to any person and may impose any conditions to that exemption. Council may revoke an exemption in its sole discretion at any time.~~

33 30 Persons to provide details

~~Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw relating to vehicles on beaches the person shall, on demand by an enforcement officer, give his or her full name and full address. The failure to provide such information or give correct information shall constitute a further offence against this Bylaw.~~

34 31 Offenders to leave beach

~~Where in the opinion of an enforcement officer a person has failed to comply with any provision of this Bylaw, the enforcement officer may direct the person to immediately leave the beach, and the person may be further prohibited by that officer from re-entering the beach for a period of 24 hours.~~

Part 89: Enforcement, offences and penalties

Related information

The council has powers under the Land Transport Act 1998 and Local Government Act 2002 to take various actions to enforce the provisions of this bylaw. For example, under section 128E of the Land Transport Act 1998 the council can remove vehicles that are causing an obstruction, ~~and under section 163 of the Local Government Act 2002 the council can remove any work or thing and recover the costs of that removal.~~ All other actions to enforce the provisions of this bylaw are taken by the Police.

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~~30~~ 32 Offence and penalty

- (1) A person who ~~fails to comply with or~~ breaches this bylaw commits an offence ~~for which the fine is \$1,000 under the Local Government Act 2002 and the Land Transport Act 1998 and is liable to the penalties set out in those Acts.~~
- (2) Subclause (1) does not prevent the council ~~or other enforcement authorities~~ from having recourse to other legal remedies, as ~~it sees~~ they see fit, to enforce the provisions of this bylaw.

Related information

A person who commits an offence against this Bylaw under the Land Transport Act 1998 may be served with an infringement notice in accordance with sections 22AB and 139 of the Land Transport Act 1998 and may be liable to a fine of up to \$1,000.

A person who is convicted of an offence against this Bylaw under the Local Government Act 2002 is liable to a fine not exceeding \$20,000.

Breaches of this bylaw may also be offences under the Land Transport (Offences and Penalties) Regulations 1999 with fines of up to \$1000.

Part ~~9~~ 10: Savings and transitional provisions

~~34~~ 33 Parking and Traffic Control Bylaw revoked in part

- (1) Clauses 2004, 2006, 2007, 2008, 2009 and Schedules 2, 3, 4, 5, 6, 7 and 8 of the Parking and Traffic Control Bylaw made by the council on 17 June 2010 and all amendments made to those clauses or schedules are revoked.
- (2) All resolutions made pursuant to the provisions referred to in subclause (1) are also revoked.
- (3) The revocations in this clause do not prevent any legal proceedings, criminal or civil, commenced to enforce the bylaw or resolutions from continuing to be dealt with and completed as if the bylaw or resolutions had not been revoked.

~~32~~ 34 Skating and Cycles Bylaw revoked

- (1) The Skating and Cycles Bylaw made by the council on 12 July 2007 and all amendments made to that bylaw are revoked.
- (2) The revocation of the Skating and Cycles Bylaw in this clause does not prevent any legal proceedings, criminal or civil, commenced to enforce that bylaw from continuing to be dealt with and completed as if the bylaw had not been revoked.

~~33~~ 35 Nuisances Bylaw revoked in part

Clause 1106 of Chapter 11 (Nuisances) of the General and Fire Bylaw made by the council on 28 November 1990 is revoked.

~~34~~ 36 Applications, approvals etc under revoked bylaws

All applications, approvals, permits, documents, matters, acts, and things that were made, approved or authorised under the provisions of the Parking and Traffic Control Bylaw revoked in clause ~~34~~ 33, and are continuing at the commencement of this bylaw, will continue, and be treated, as if they are applications made, or approvals granted, under this bylaw, except –

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- (a) any approval, permit or authorisation will only continue until the date that is 12 months from the date this bylaw ~~commenced-commences~~; and
- (b) any approval, permit or authorisation granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

~~35~~ 37 Other existing permits or approvals for matters regulated under this bylaw

If, before the date this bylaw commenced, the council granted a person a permit, authorisation, licence, approval or other form of consent to do any act or thing that is regulated under this bylaw, that permit, authorisation, licence, approval or other form of consent will continue, and be treated, as if it is an approval granted under this bylaw, except –

- (a) the permit, authorisation, licence, approval or other form of consent will only continue until the date that is 12 months from the date this bylaw ~~commenced-commences~~; and
- (b) the permit, authorisation, licence, approval or other form of consent granted under revoked bylaws cannot be renewed under this bylaw and must be treated as a new application.

Related information

The effect of clauses ~~34~~ 36 and ~~35~~ 37 is that anything that may have been previously approved by the council, whether under the revoked bylaws or under the council's general powers in the Local Government Act 2002 or any other Act, will continue to be approved until 12 months after this bylaw commences. If the person doing the thing wants to continue doing it after that date, they must apply for a new approval under this bylaw. Clause ~~35~~ 37 in particular will affect people who have permits, licences or approvals for mobile shops or signs.

Schedules

~~36~~ ~~41~~ 38 Roads that have vehicle restrictions or prohibitions

- (1) Schedule 1 lists the roads, or parts of roads, where, under clause 7, vehicles must travel only in the direction specified.
- (2) Schedule 2 has 3 parts –
 - (a) Part A lists the roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right;
 - (b) Part B lists the roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited;
 - (c) Part C lists the roads, or parts of roads where, under clause 8, wheeled ~~recreation~~ recreational devices are prohibited.
- (3) Schedule 4 lists the roads or public places where, under clause 13, the occupation of a stand or stall by a hawker, pedlar, or keeper of a mobile or travelling shop is prohibited or restricted. Schedule 4 has two parts –
 - (a) Part A specifies the roads or places where stands or stalls are prohibited;
 - (b) Part B specifies the roads or places where only certain types of stands or stalls can be approved.
- (4) Schedule 6 lists the beaches or parts of beaches where vehicles are prohibited at all times.
- (5) Schedule 7 lists the beaches or parts of beaches where vehicles are prohibited at specified times and or dates.
- ~~(46)~~ The Schedules described in this clause are organised by the type of restriction or prohibition. Schedule 5 shows all the restrictions or prohibitions on maps for the town or area they apply to,

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for ease of reference only. Schedule 5 is not part of this bylaw and if there is any conflict or inconsistency between it and the other Schedules in this clause, the other Schedules prevail.

~~37~~ ~~39~~ Provisions for signs to not be a danger or nuisance

Schedule 3 states provisions for the construction, fixing, placing and maintenance of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h).

~~38~~ ~~43~~ ~~40~~ Amendment of Schedules

- (1) The council may, by resolution, add or remove any road, or part of a road, or public place from Schedules 1, 2, or 4.
- (2) The council may, by resolution, add or remove any beach, or part of any beach from schedule 6.
- (3) The council may, by resolution, add or remove any beach, or part of any beach from schedule 7 and may amend, add or remove any time or date restrictions applicable to those beaches.
- (4) The council may, by resolution, add or remove any provisions from Schedule 3.
- (5) Schedule 5 may be amended or removed without any formality.

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Schedule 1 – Roads where vehicles must travel in a specified direction

Clause 7

Roads, or parts of roads, where, under clause 7, vehicles must travel only in the direction specified

ROAD NAME	TRAVEL DIRECTION	START GPS	END GPS
DICKESON STREET	Southerly	-35.4078617987209, 173.799459289245	-35.4086896463027, 173.800126053371
FAIRWAY DRIVE	South East	-35.2262859468282, 173.948055830472	-35.2271030950929, 173.949224484447
HOMESTEAD ROAD	North West to North East	-35.228403843574, 173.948081874859	-35.2262859468282, 173.948055830472
KERIKERI ROAD	South West	-35.2271030950929, 173.949224484447	-35.228403843574, 173.948081874859
LYON STREET	Easterly	-35.3165902527345, 174.114493268496	-35.3170231732711, 174.117421123837
THE STRAND (NORTH)	Northbound	-35.2618361520496, 174.12151016454	-35.2598179764385, 174.12065684762
THE STRAND (SOUTH)	Southbound	-35.2618361520496, 174.12151016454	-35.2637971260703, 174.121798983856
WILLIAMS ROAD	Southerly	-35.2813432670373, 174.091970489943	-35.2821262432564, 174.091045822137

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Schedule 2 – Roads where turning right or certain vehicles prohibited

Clause 8

Part A – Roads, or parts of roads, where under clause 8 vehicles are prohibited from turning to the right

ROAD NAME	LOCATION	START GPS	END GPS
HONE HEKE ROAD		-35.2274901432561, 173.956737019312	-35.2297291974002, 173.954844220669
MELBA STREET	At Melba Street	-35.1140100207861, 173.264259244944	-35.1141045089006, 173.264051480076

Part B – Roads, or parts of roads, where under clause 8 heavy motor vehicles are prohibited

ROAD NAME	LOCATION	RESTRICTION	START GPS	END GPS
COMMERCE STREET (KAITIA)	Between the intersection of Pukepoto Road and Commerce Street and the intersection of Commerce Street and Redan/Couth Roads	No heavy vehicles that are bus or stock truck or truck and trailer or semi-trailer combination	-35.1165093774186, 173.265631704285	-35.108679520053, 173.258675165054
HOMESTEAD ROAD		No heavy vehicles 6000kg or over	-35.2280302815337, 173.947749806435	-35.2262859468282, 173.948055830472

Part C – Roads, or parts of roads, where under clause 8 wheeled recreational devices are prohibited

ROAD NAME	LOCATION	Legal Desc	START GPS	END GPS
AUGUSTA PLACE	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.2261566863974, 173.947929980772	-35.2255903246232, 173.948326680357
BAYVIEW ROAD (PAIHIA)				
COBHAM COURT	Cobham Road, including Cobham Court, from Kerikeri Road junction with Hone Heke Road.		-35.2298434264742, 173.951959382446	-35.2283852705134, 173.953156239256
COBHAM ROAD	Cobham Road, including Cobham Court, from Kerikeri Road junction with Hone Heke Road.		-35.2276848153804, 173.948702361719	-35.2313124864811, 173.953481802509

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Road Use Bylaw

COMMERCE STREET (KAITIA)	Commerce street between its junction with Redan Road to the south and it's junction with Taape Street to the north, on both the east and west sides of		-35.1165093774186, 173.265631704285	-35.1127442548037, 173.262964959387
FAIRWAY DRIVE	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.2262859468282, 173.948055830472	-35.2261566863974, 173.947929980772
HOBSON AVENUE (KERIKERI)	Hobson Avenue Car Park	Lot 16 DP 35860, Part Lot 2 DP 83550, Section 64 Block XI Kerikeri SD, Lot 22 DP 35860, Section 46 Block XI Kerikeri SD, Lot 21 DP 35860, Lot 2 DP 97524, Lot 1 DP 97524, Part Lot 1 DP 26369		
HOBSON AVENUE (KERIKERI)			-35.2294054501442, 173.947186213376	-35.2289852947719, 173.950660228532
HOMESTEAD ROAD	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park		-35.228403843574, 173.948081874859	-35.2262859468282, 173.948055830472
HONE HEKE ROAD	Hone Heke Road, from the Junction with Cobham Road, to the junction adjoining Kerikeri Road.		-35.2210833849848, 173.954417629571	-35.2313124864811, 173.953481802509
JULIAN CAR PARK	In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park	Part Lot 13 DP 28912		
KERIKERI ROAD	From the roundabout at the junction of that road, Butler Road, Hobson Avenue, to the junction with Clarke Road.		-35.2294054501442, 173.947186213376	-35.2255750424365, 173.950500400308
MARINO PLACE	Marino Place Car Park	LINZ Parcel id 6851067		
MARSDEN ROAD (SH11)	Land zoned Recreational Activities in the Far North District Plan on Marsden Road from the corner of School Road to Bayview Road	Lot 4 DP 57340, Lot 1 DP 11040, Lot 3 DP 57340, Lot 1 DP 57340, Lot 2 DP 57340, Lot 5 DP 57340, Part Lot 27 DP 11040		
PARNELL STREET	Parnell Street from the Police Station to the ferry ramp.		-35.3941585612966, 173.504681224527	-35.3925698107695, 173.505143403918
RAWENE FERRY RAMP	Parnell Street from the Police Station to the ferry ramp.		-35.3923884647662, 173.505189005378	-35.3921644377561, 173.505341377438
RUSSELL ESPLANADE	Parnell Street from the Police Station to the ferry ramp.		-35.3925698107695, 173.505143403918	-35.3923884647662, 173.505189005378
SELWYN ROAD (PAIHIA)			-35.2806868253955, 174.08908491049	-35.2821262432564, 174.091045822137
WILLIAMS ROAD	Williams Road to the corner of Joyces Road.		-35.2813432670373, 174.091970489943	-35.2844726239531, 174.08869556123

Last updated
19 May 2022

Road Use Bylaw

Schedule 3 – Provisions for signs to not constitute a nuisance or danger

Clause 11(2)(h)

Posters, placards, handbills, writings, pictures, or devices for advertising or other purposes that meet the provisions of this Schedule will be treated by the council as not constituting a danger or nuisance under clause 11(2)(h). Signage that does not comply with these requirements must not be put up without written approval from the Council. Approval is at the sole discretion of the Council.

- (1) The poster, placard, handbill, writing, picture, or device must be constructed, fixed, placed and maintained to:
 - (a) not exceed 1 square metre in area or 2 metres for any edge dimension; and
 - (b) use a colour combination for the background, wording and legend that does not cause confusion with any of those used for any official road sign or traffic sign; and
 - (c) not display more than 6 words, symbols or graphics and no more than 40 characters; and
 - (d) use no reflective material; and
 - (e) provide no internal or external illumination; and
 - (f) have the bottom edge not more than 2.5 metres above road level or ground; and
 - (g) contain no moving parts or a dynamic display; and
 - (h) not reduce the width of any footpath or other place used by pedestrians to less than 1.5 metres and if fixed, be not closer than 5 metres from the edge of the carriageway, if moveable, be not closer than 2 metres from the edge of the carriageway; and
 - (i) be secured against wind gusts; and
 - (j) not project more than 50mm from a building frontage if it is less than 2.5 metres above ground level; and
 - (k) be more than the following distances from an intersection, permanent regulatory or warning sign, curve (with chevron signing), or pedestrian crossing:
 - (i) 100 metres in the urban environment (~~being the areas covered in Chapter 7 of the as defined by the Operative~~ Far North District Plan); or
 - (ii) 200 metres in the rural environment (~~being the areas covered in Chapter 8 of the as defined by the Operative~~ Far North District Plan).
- (2) On roads where the speed limit is 70km/h or less, the poster, placard, handbill, writing, picture, or device must use lettering and symbols at least 120 millimetres in height.
- (3) On roads where the speed limit is greater than 70km/h, the poster, placard, handbill, writing, picture, or device must:
 - (a) use lettering and symbols at least 160 millimetres in height ~~and use expressway, helvetica, hyperion, impact, tahoma or univers font; ; and~~
 - (b) provide an unrestricted view to drivers for a minimum distance of 180 metres; and
 - (c) have supports that meet the relevant requirements regarding strength, rigidity and impact performance in section 7.0 of the New Zealand Transport Agency's "Traffic Control Devices Manual – Part 1 General requirements for traffic signs".

Related information

The Traffic Control Devices Manual – Part 1 General requirements for traffic signs can be read at this link: [Traffic control devices manual - Part 1: General requirements for traffic signs \(nzta.govt.nz\)](https://www.nzta.govt.nz/traffic-control-devices-manual-part-1-general-requirements-for-traffic-signs)

Last updated
19 May 2022

Road Use Bylaw

Schedule 4 – Roads, or parts of roads, where occupation of a stand or stall is prohibited or restricted

Clause 13

Part A – Places where stands or stalls are prohibited

Kerikeri

Any place in the Stone Store Basin that is within a 300 metre radius of the Stone Store, including Landing Road.

Start GPS: -35.2150106378605, 173.962339324991

End GPS: -35.2150106378605, 173.962339324991

Paihia

Any place outside the Memorial Hall on Williams Road.

Start GPS: -35.2822803795467, 174.090925796558

End GPS: -35.2824091261618, 174.090781583073

Russell

The Strand (North)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.2598179764385, 174.12065684762

The Strand (South)

Start GPS: -35.2618361520496, 174.12151016454

End GPS: -35.264872330982, 174.121538317746

Part B – Places where type of stand or stall is restricted

- (1) Approvals for stands or stalls in or on the following roads or public places are restricted to those that spend a maximum of 60 minutes at the location, for example, mobile ice cream vendors –

- (a) In ~~Pahia~~ **Paihia** at –

- (i) Paihia Beach and all reserves between School Road and Seaview Road

Start GPS: -35.2851187007768, 174.096891702562

End GPS: -35.2823553472988, 174.093036912683

- (ii) Te Tii Beach between the roundabout on junction of Puketona Rd and Marsden Rd through to the Bluff

Start GPS: -35.2788504373091, 174.089661222051

End GPS: -35.2773440975235, 174.08293900111

- (iii) Te Karuwha Parade

Start GPS: -35.2774686433065, 174.082874727032

End GPS: -35.2706370437992, 174.079689916184

**Last updated
19 May 2022**

Road Use Bylaw

- (b) In Russell at –
 - (i) Tapeka Point Beach
Start GPS: -35.2470182629473, 174.116510214275
End GPS: -35.2460729956379, 174.118431103766
 - (ii) Long Beach in or on any place outside of the car park area
Start GPS: -35.2570963427531, 174.131095418639
End GPS: -35.2610813938921, 174.140446317826
- (2) Approvals for stands or stalls in or on the following roads or public places are restricted to those used by operators of a passenger service vehicle to sell tours or trips –
 - (a) In Paihia at Paihia Beach and all reserves between the Bluff through to School Road
Start GPS: -35.2823699222072, 174.093047512929
End GPS: -35.2788504373091, 174.089661222051

[Schedule 5 – Maps]

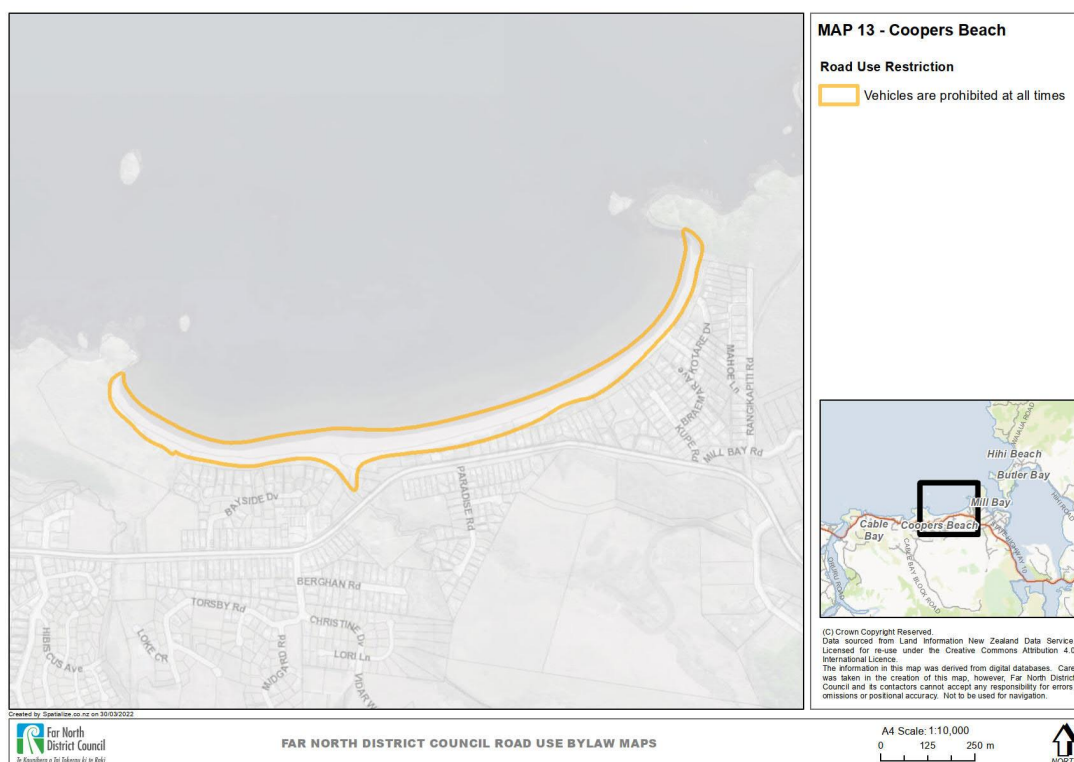
[As stated in Subclause 38 (6), Schedule 5 contains maps for ease of reference only. Schedule 5 is not part of this bylaw and is provided in a separate document.]

Last updated
19 May 2022

Road Use Bylaw

Schedule 6 – Beaches or parts of beaches upon which vehicles are prohibited

1. Coopers Beach – Vehicles are prohibited on the entirety of Coopers Beach (as indicated on the Map below) at all times.



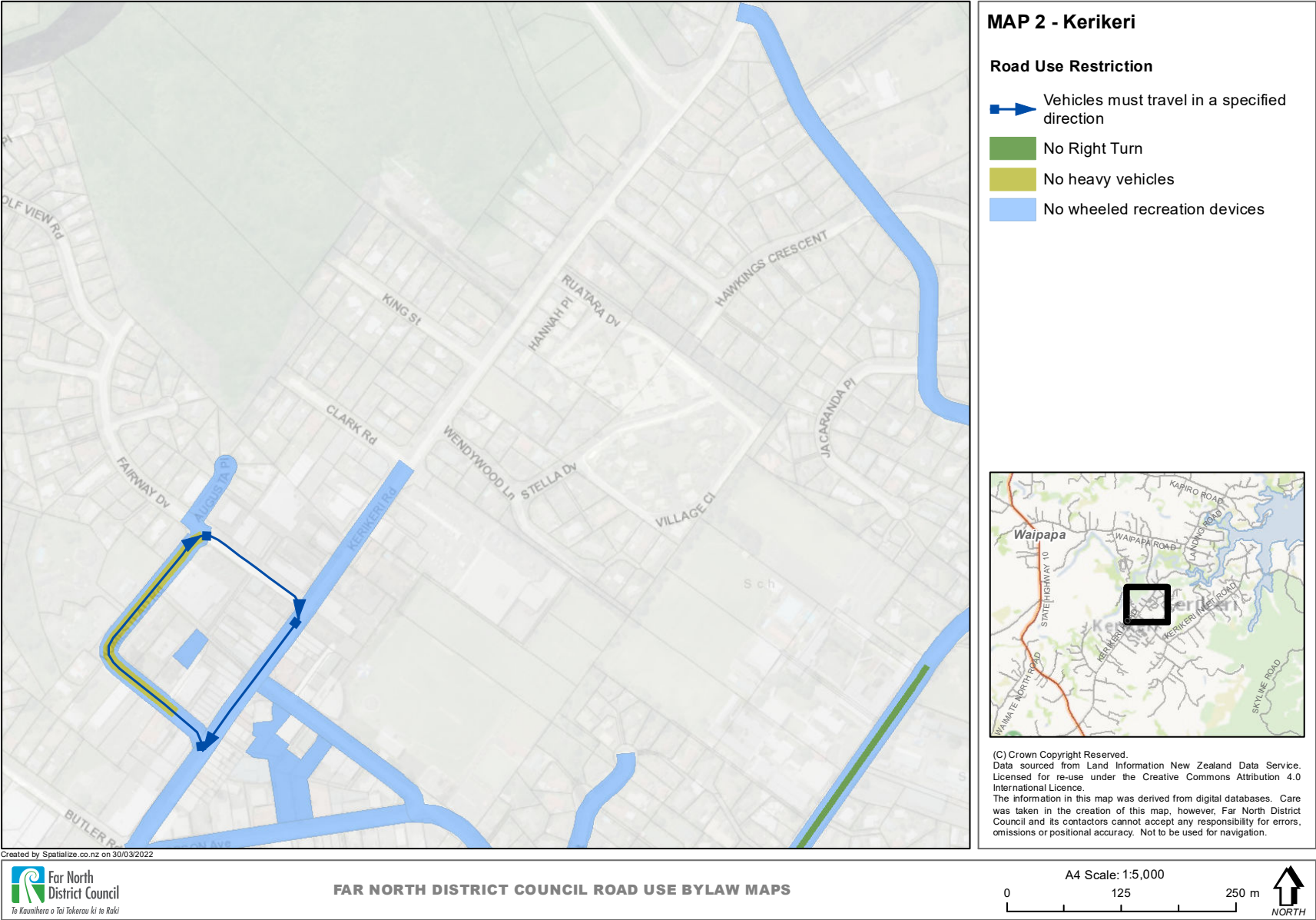
**Last updated
19 May 2022**

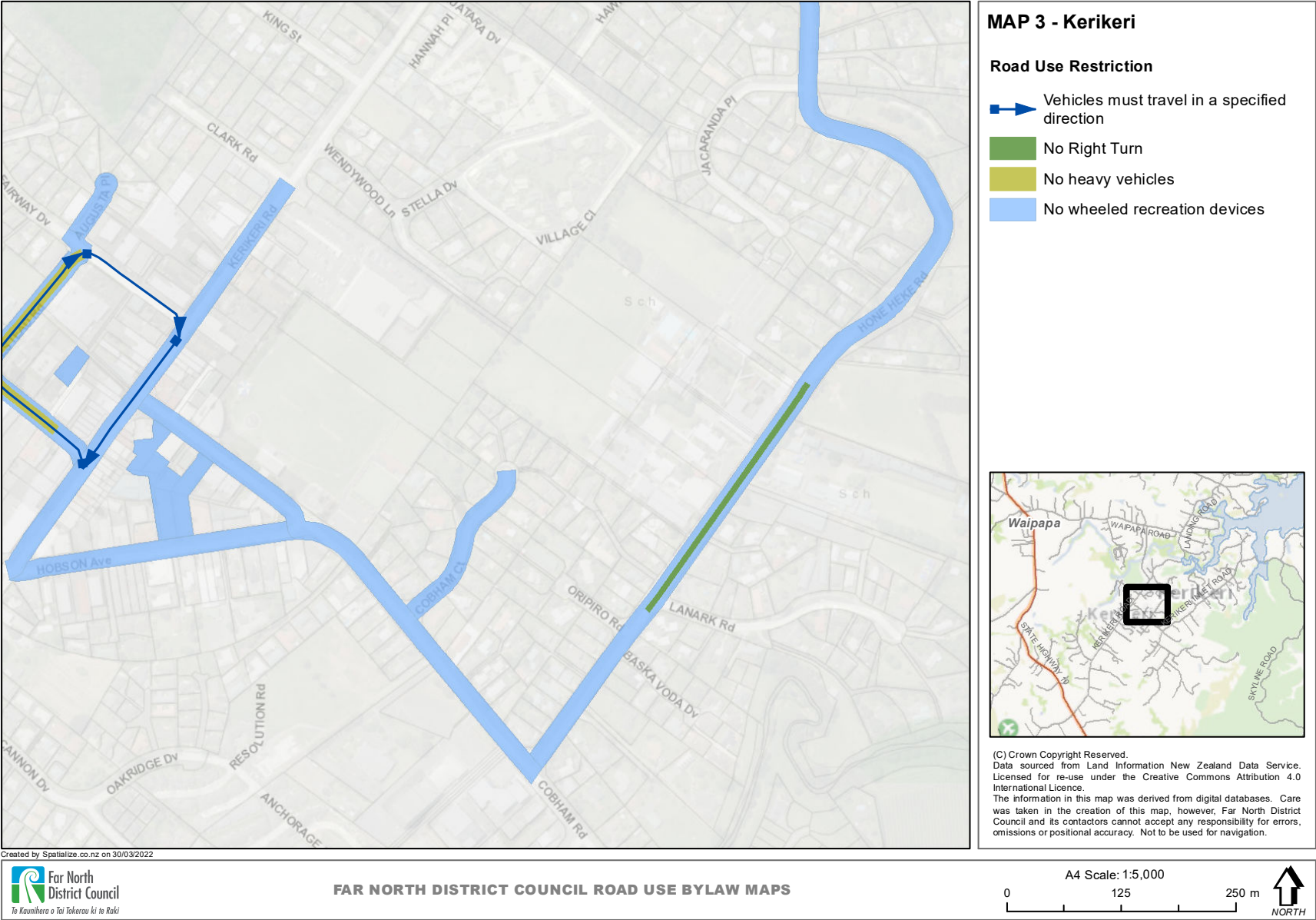
Road Use Bylaw

Schedule 7 – Beaches or parts of beaches upon which vehicles are restricted

[No beaches or parts of beaches are included in Schedule 7 at this time.]









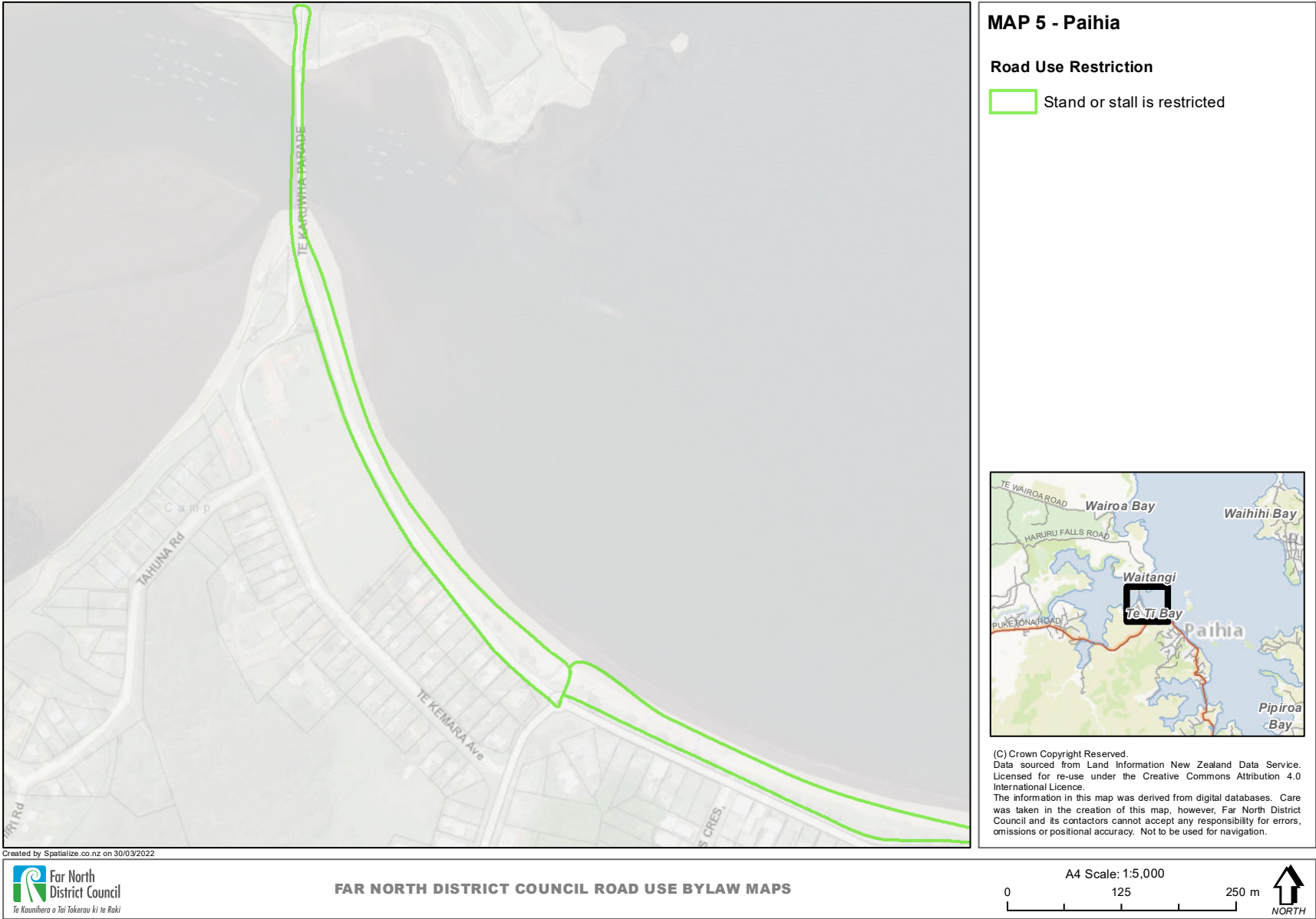
MAP 4 - Kerikeri

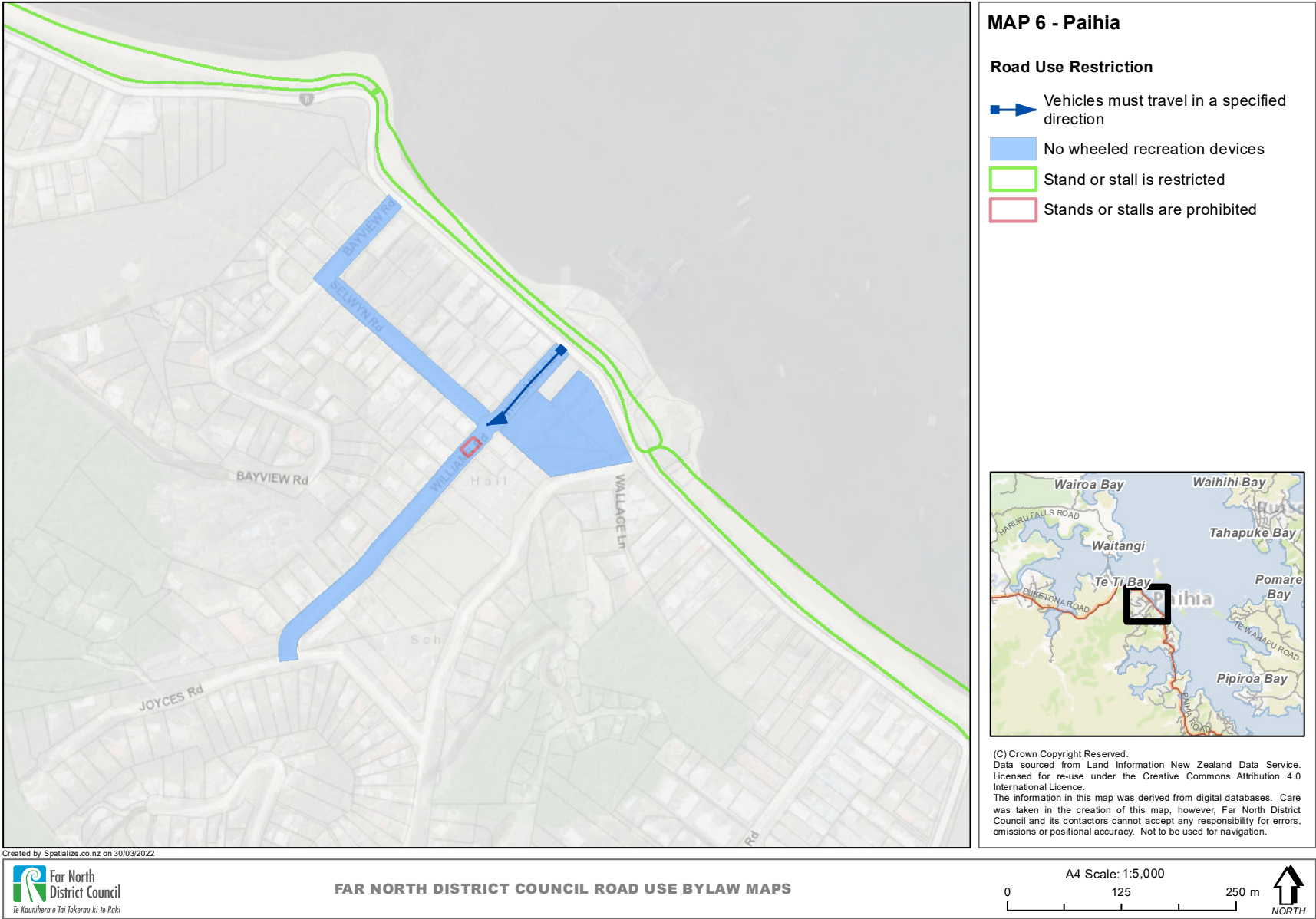
Road Use Restriction

 Stands or stalls are prohibited



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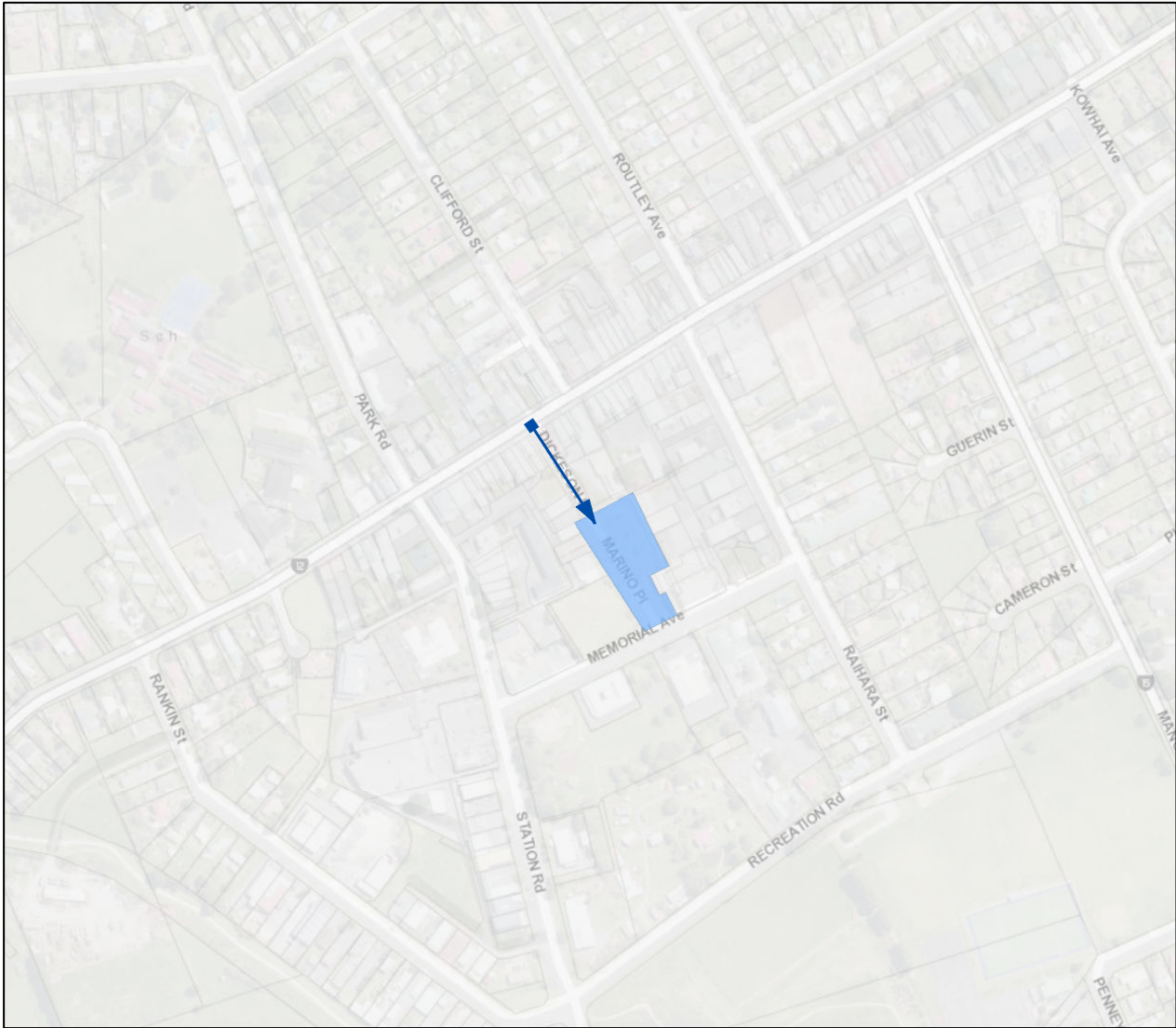
MAP 10 - Opua

Road Use Restriction

 Vehicles must travel in a specified direction



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MAP 11 - Kaikohe

Road Use Restriction

Vehicles must travel in a specified direction

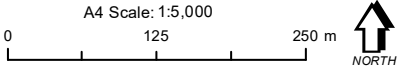
No wheeled recreation devices

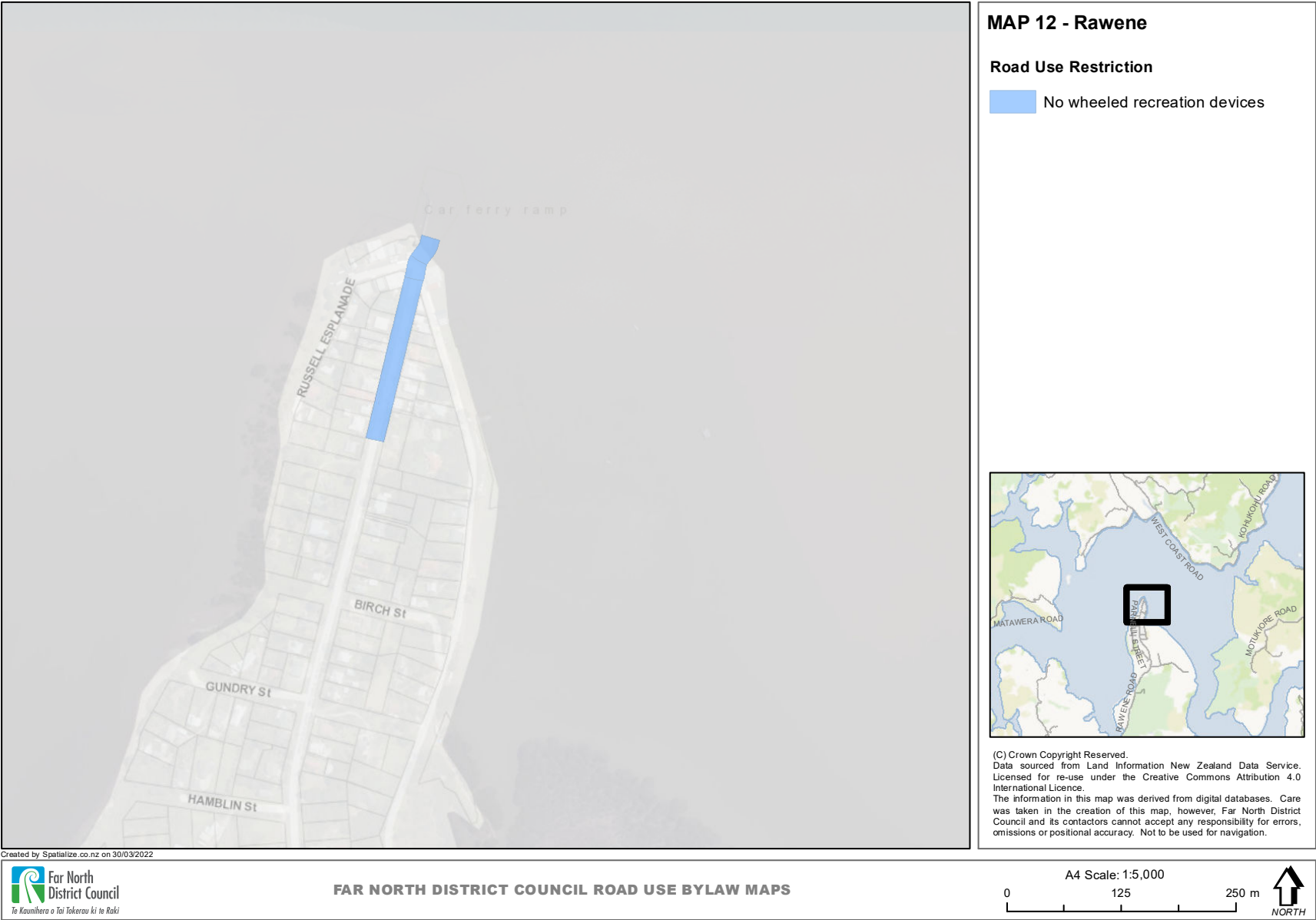
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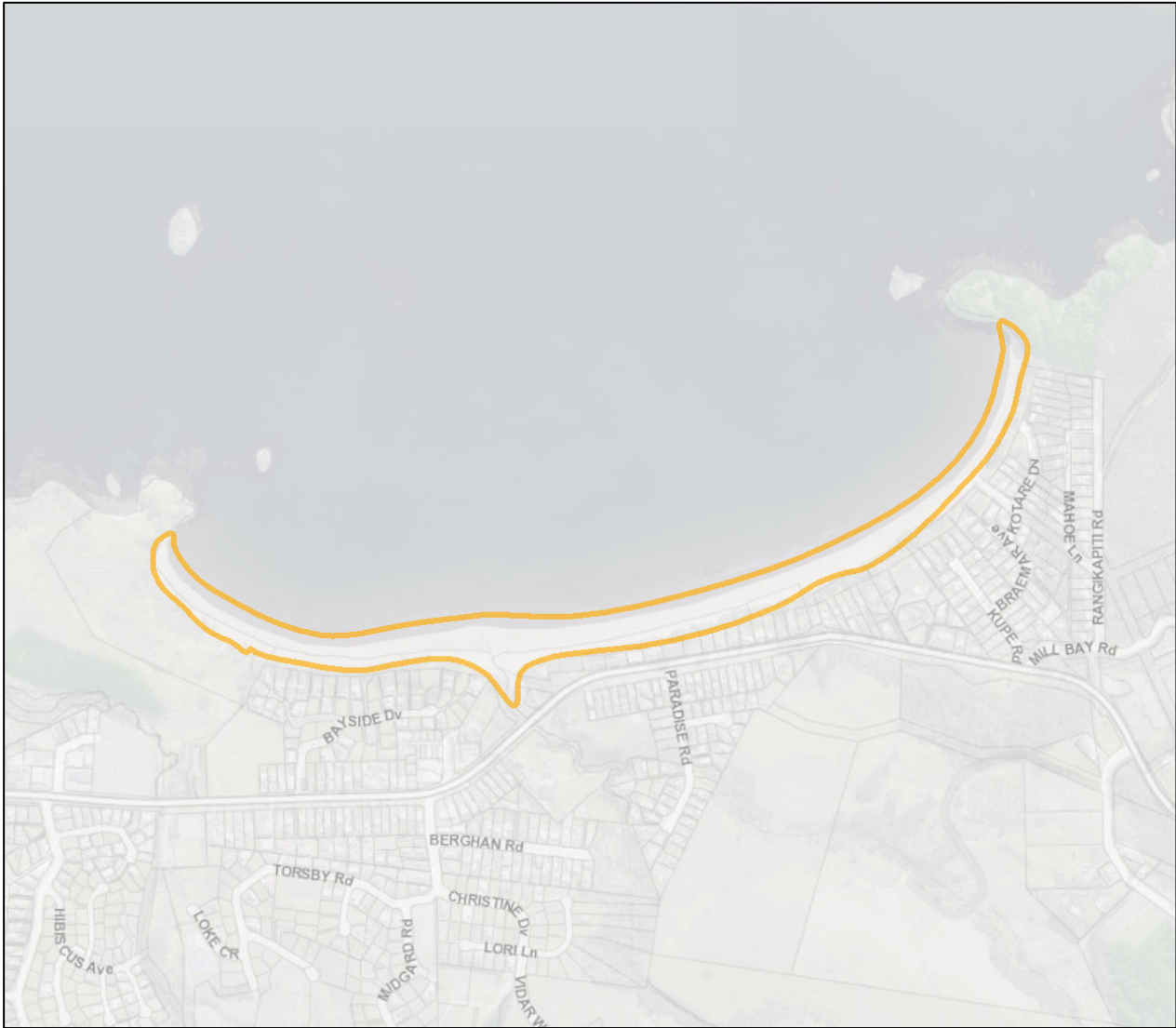
Created by Spatialize.co.nz on 30/03/2022



FAR NORTH DISTRICT COUNCIL ROAD USE BYLAW MAPS




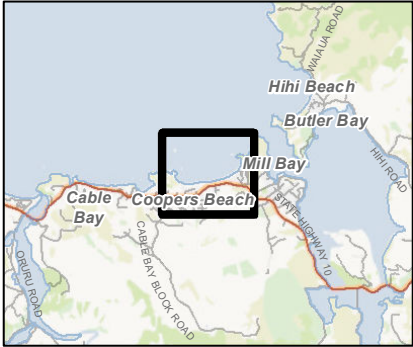




MAP 13 - Coopers Beach

Road Use Restriction

 Vehicles are prohibited at all times



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6 INFORMATION REPORTS

6.1 RESIDENT OPINION SURVEY - 2021-22

File Number: A3619362

Author: Ken Lewis, Manager - Communications (Acting)

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

To update the Strategy and Policy Committee on progress of the Resident Opinion Survey.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- The Council has changed its Resident Opinion Survey from an annual telephone survey to a postal survey run quarterly.
- The first quarterly survey ('wave') was conducted between 3 November to 7 December 2021 and the second wave was run between 19 January and 22 February 2022.
- Second wave results were released on 2 March.
- Results of the first and second wave surveys are attached along with a separate spreadsheet containing verbatim responses to questions.
- Wave 3 data collection will occur between 16 March and 19 April. Wave 3 results will be available from 27 April.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Resident Opinion Survey - 2021-22.

TĀHUHU KŌRERO / BACKGROUND

The council has conducted an annual Resident Opinion Survey for the last 15 years to measure public perceptions of council facilities, infrastructure and services. The council has contracted Key Research to conduct annual surveys since 2018.

For 2021/22, the annual survey was changed to quarterly. One reason for this change was to acknowledge that public perceptions may be influenced by external factors, such as winter weather, or topical issues (examples may include changes to the Dog Control Bylaw, or proposals for Significant Natural Areas). A quarterly survey will provide the council four 'snap shots' each year, giving a more rounded picture of performance. It would also allow staff and elected members to identify seasonal fluctuations in satisfaction levels.

The change to quarterly surveys has also altered the survey method. Instead of a telephone survey, the 2021/22 survey is being conducted by post. The new survey consists of two steps:

1. An invitation letter containing an embedded link to an online survey is sent to a random selection of residents sourced from the Electoral Roll. A hard copy survey with Freepost envelope is also provided for those who prefer paper-based surveys.
2. A reminder postcard is sent 10 days to two weeks later.

This method provides respondents a full month to consider their responses and has resulted in higher response rates than telephone surveys. Key Research aims to send 1000 invitations per wave (quarter) to achieve valid survey results.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Navigating the survey dashboard

To access the survey dashboard, open the spreadsheet, **Enable Editing** and then **Enable Content**. Click on the **Key Findings** menu tab.

The **Menu** links to survey findings related to specific service areas – Three waters, Roads and footpaths, and so on. There is a drop-down menu that provides **Wave** and **Year to Date** options. Selecting **YTD** provides annual comparisons of surveys from 2018 to 2022 (YTD). A second dropdown menu selects individual Wards.

Survey respondents are asked to apply a satisfaction rating scale:

1-2: Very dissatisfied/Very poor

3-4: Dissatisfied/Poor

5-6: Neutral

7-8: Satisfied/Good

9-10: Very satisfied/Very good.

Some survey question results are flagged as having seen significant changes of %7-10 in either satisfaction or dissatisfaction scores between 2021 and 2022 (YTD). You can change the Satisfaction rating levels that are displayed by going to the **Home** page (click Home top left). Change the Satisfaction rating scale using the up/down arrows and return to **Key findings**.

The total sample for wave 2 is n=186 residents where 77 residents completed the survey online and 109 residents took part using the paper questionnaire. The target sample per wave is n=125 residents. By ward, 43 respondents are from the Te Hiku Ward, 98 respondents are from the Bay of Islands-Whangaroa Ward and 45 respondents are from the Kaikohe-Hokianga Ward.

Key findings – Wave 2

Overall satisfaction with Council's performance has decreased from 39% in wave 1 to 25% in wave 2.

Satisfaction with Water management, Recycling disposal services, and Public facilities improved compared with the previous wave. There was a decline in satisfaction for Overall reputation, Overall value for money, Roads and footpaths, and Parks, reserves and open spaces. The year-to-date satisfaction ratings for most of these overall measures, however, are higher than the 2021 results.

For roads and footpaths, Wave 2 results for measures relating to footpaths are significantly lower than the Wave 1 scores. Some verbatim comments point to unavailability of footpaths where residents live and poor quality/maintenance.

On water management, there was a considerable improvement in perceptions of water supply, continuity of supply, the taste of the water and the clarity of the water. Satisfaction with water odour and pressure declined, as did satisfaction with the sewerage system and stormwater management.

Wave 3 timeline: Data will be collected between 16 March and 19 April. The dashboard for Wave 3 will be available on 27 April 2022. This will be sent out to committee members separately as a supplementary report.

Analysis

While some indicators in Wave 2 results have improved, satisfaction in key areas have declined between waves. This may be due to relatively small sample sizes. The target sample per wave is n=125 residents. The total sample for Wave 2 was n=186 residents.

If we use a total sample of 160 residents, the margin of error would be plus or minus 7%, providing a range of 14 points. For this sample size, a change of 14 points would fall within the margin of error.

While the total sample for Wave 2 was slightly greater at 186 residents, overall satisfaction with council's performance dropped 14 points from 39% to 25%. This change seems dramatic but is less concerning when the margin of error is taken into account.

To smooth out extreme fluctuations inherent within small sample sizes, international best practice is to 'roll' the results to create a rolling measure. In this case, the rolling measure would be applied

after Wave 4 surveys are completed and then to subsequent results. A more accurate picture of resident opinion will be known only after Wave 4 results are published.

Feedback gathered from customers following their interactions with the council do not support the dramatic shift in opinion indicated by Wave 2 results. For example, customer satisfaction between 1 October 2021 and 31 March 2022 went up compared to the previous two quarters.

The average Overall Customer Satisfaction CSAT (measures satisfaction with that particular experience) for the 1 October 2021- 31 March 2022 period was 3.95 out of 5. That equates to 79.2 out of 100 and was a 3.4% increase from Q4 to Q1. The response sample was provided by 2104 customers who had a direct interaction with FNDC.

The Net Promotor Score NPS (measure advocacy and reputation) also tells a different reputational story. The average NPS for the period 1 October 2021- 31 March 2022 was 25.5 (on a 200-point scale of -100 to +100). This 25.5 score represents a 24% increase from Q4 to Q1.

NB: An NPS score above 0 is baseline 'good' because it means you have more Promoters than Detractors. An NPS score of 20+ is considered 'satisfactory' to 'favourable'.

The NPS score was based on a sample size of 1266 customer responses.

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

Total existing survey budget of \$27,000 will be invoiced in four instalments of \$6,750.

ĀPITI HANGA / ATTACHMENTS

Nil

6.2 STRATEGIC PLANNING & POLICY BUSINESS QUARTERLY JANUARY - MARCH 2022**File Number:** A3667408**Author:** Gayle Andersen, Executive Assistant to General Manager**Authoriser:** Darren Edwards, General Manager - Strategic Planning and Policy**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To inform the Strategy and Policy Committee of the activities undertaken by the Strategic Planning and Policy Group.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The Strategic Planning and Policy Business quarterly provides an overview of Strategic Planning and Policy activity for the quarter ending March 2022.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Strategic Planning & Policy Business Quarterly January - March 2022.

TĀHUHU KŌRERO / BACKGROUND

The Strategic Planning and Policy Group consists of four departments that have responsibility for strategy and policy development (including regulatory policy in the form of bylaws), district planning, Māori development, corporate planning, community development and funding and supporting of Council groups / departments with engagement. The Group work programme has been refined to deliver identified service outcomes and projects of strategic importance to Council.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The Strategic Planning and Policy Business Quarterly report provides an update on the broad spectrum of projects that the Group is responsible for. The report, combined with the extensive range of services that the Group provides, is revised, and updated on a quarterly basis to reflect changes in projects, scope of work and complexity.

In addition to this update the business group will continue to appraise Elected Members via the usual channels of Council and Committee reports and workshops.

The purpose of the Business Quarterly is to show the planned progress of the work programme and the regular service delivery work undertaken by the Group.

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

There are no financial implications or budgetary provisions required

ĀPITIHINGA / ATTACHMENTS

1. Strategic Planning & Policy Business Quarterly January - March 2022 - A3667338  



**Strategic Planning &
Policy
Business Quarterly**

January - March 2022

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

Executive Summary

The Strategic Planning & Policy Group provides several services for the benefit of our communities to make the Far North a great place to work, live and visit. The group is made up of four departments:

- **Corporate Planning & Community Development:** This team works closely with our communities and community boards in the delivery of Corporate Planning, Community Development, Funding and Engagement.
- **District Planning:** This team focusses on environmental outcomes and has responsibility for the District Plan which is the main policy tool for implementing the Resource Management Act. As Council's main planning tool, we are legislatively required to achieve the sustainable management of the district's natural and physical resources.
- **Strategy Development:** This team develops and implements Strategy (including spatial planning), Policy Development (including regulatory policy in the form of bylaws) and Climate Change.
- **Te Hono:** The team's purpose is to support the organisation to build and maintain enduring relationships with Iwi/Māori. To act as a key contact to provide support to Iwi/Māori in navigating through Council's processes and policies and to support the organisation to develop capabilities and competencies to engage effectively with Iwi/Māori

Contribution to community outcomes



Communities that are healthy, safe, connected and sustainable



Prosperous communities supported by a sustainable economy



Connected communities that are prepared for the unexpected



A wisely managed and treasured environment that recognises the role of tangata whenua as kaitiaki



Proud, vibrant communities



We embrace and celebrate our unique culture and heritage and value it as a source of enduring pride

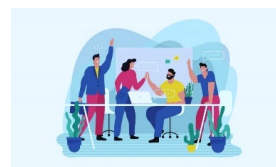
Corporate Planning & Community Development

Introduction

The Corporate Planning and Community Development Department includes Corporate Planning, Community Development, Funding and Engagement.

Corporate Planning

Corporate Planning satisfies Council's Local Government Act statutory planning obligation. We lead the development of Long Term and Annual Plans and assist in the production and audit of the Annual Report. The Corporate Planning team also takes a lead role in the compilation of the Chief Executive's pre-election report.



Te Whakatupuranga Hapori / Community Development & Funding

Empowered communities are thriving communities. The Community Development & Funding Team deliver outcomes through Council's Community Outcomes and our own Community Development Framework, which articulates our role in community development and identifies how we work with communities, government agencies and non-government organisations to help build strong, resilient communities.

What we do:

- Build and strengthen internal and external relationships
- Increase opportunities for communities to determine the things they care about
- Provide opportunities for meaningful engagement and participation in public and community life
- Empower communities to design, prioritise and deliver local initiatives
- Support community groups to lead their communities
- Work with government agencies, non-government organisations and community leaders to create connections, maximise collective potential to contribute, and improve community wellbeing



What we do:

- Plan and execute large and / or complex engagement or consultation activities such as the Long Term Plan, bylaws and policies and significant projects
- Provide a centre of excellence and toolkit for engagement to enable effective management and consultation
- Provide support to teams across Council to enable them to confidently engage with communities as required to support their projects and activities

Executive Summary

This section outlines the activities undertaken by the Corporate Planning and Community Development Department for the January – March 2022 period.

Corporate Planning

Annual Plan

The Annual Plan for 2022-23 is nearing its final phase. The primary task ahead is confirming the rate-to-rate increase. A key element of this is determining the quantum of capital works in the current year to be delivered against what is forecast. April should see us land on a financial position that is within our financial strategy limits. Rather than the usual deliberations meeting prior to adoption of the Annual Plan, workshop sessions will agree the content of the Annual Plan capital and operating budgets, with the formal decision-making element occurring by way of adopting the Annual Plan in June.

Pre-Election Report (PER)

The PER is a legislative requirement of the Local Government Act. It provides voters and candidates with information about the issues and opportunities facing the district and Council and promotes informed public discussion in the lead up to local body elections. This is a strictly non-political document. In other words, it is the Chief Executive Officer's (CEO's) report and there is no input from elected members allowed. The Corporate Planning, Democracy Services and Finance teams will develop the report with the CEO. Legislatively the PER must be produced and available two weeks prior to candidate nominations closing, so we are aiming for 1 July.

Community Development

Community Board enablement

Several pieces of work are underway to support the Community Boards to work effectively within their delegated authority. This piece of work is loosely referred to as "Community Board Enablement", and from a Community Development perspective this incorporates the following initiatives:

- Ensuring each Board has a strategic plan adopted for handover to the new Board prior to the 2022 local body elections.
- Developing a process to compile tactical plans out of strategic plans that can be advocated for (by chairs) as part of the 2024-34 Long Term Plan. This requires incorporating the project management lifecycle, helping the Board to progress a good idea from concept to delivery with the collaborative effort of Boards and staff while maintaining clear delineation between advocacy (Boards) and staff (operations).

General community development

We have commenced strategic planning workshops with the three Community Boards to develop their Strategic Plans. Priority projects in these plans will be worked up (full life costed) for consideration in the next Long-term Plan (LTP), providing another channel for the community voice to be heard in Council's LTP process.

Ongoing work in the implementation of the Nothing But Net (NBN) digital strategy, including drafting reports for Whangarei District Council and Kaipara District Council to assist them in their goal to have the NBN vision, mission and goals adopted by their own Councils, facilitating a fibre connection to Tautoko FM in Mangamuka supporting the community's economic and community development, working

with the Animal Management Team to provide state of the art communications technology for Animal Management Officers, who work in remote areas, for their health, safety, and wellbeing.

Staff are about to begin recruitment for the Far North Youth Council (FNYC). Working with Democracy Services, the FNYC will have the opportunity to assist in the 2022 Local Body Elections campaign development and implementation.

Ongoing work refreshing Community Plans that are over 10 years old. Horeke, Whangaroa, Okaihau and Kaikohe are all in progress, with Okaihau due for completion next month.

Placemaking

The Mayor's Taskforce for Jobs Community Recovery Funding requires 15 Sustainable Employment Outcomes (SOE's) being achieved for the 1st tranche of funding. Our team, working with partners, has achieved 31 SOE's, 16 over the target. The Berry Bus has enabled sustainable employment by redeploying teams affected by Covid delays at the Ngawha based Kaikohe Berry Farm Ltd (KBL) to other orchards in the mid-north area until they can be redeployed back to KBL later in the year. The employees are currently learning valuable on the job skills that they will be able to take back to their new roles at KBL.

As part of our continuing place-based approach in Kaikohe, a Kaikohe Community stock take has been distributed to the community. This is a collaborative initiative to find out who is doing what where in Kaikohe, to build an open-source document to strengthen connections between individuals, groups, organisations, and agencies in Kaikohe for better community outcomes. Staff are also supporting the Kaikohe Business Association to develop a whole of community safety model in response to the significant increase in antisocial and violent behaviour in the town.

We helped facilitate a long-term lease of the old Kaitia Warehouse building with Northland Basketball and Te Hiku Iwi Development Trust to establish a Community Hub with professional basketball courts, community group rooms and activity areas.

Ongoing engagement with a number of communities, including Broadwood, to support the reinstatement of the swing bridge demolished by Council in 2021, Totara North to support the installation of the old Kerikeri Domain playground on the Totara North Hall Reserve as per the Totara North Community Plan, working with the Northern Transport Alliance (NTA), Moerewa and Taumatamakuku communities on road safety issues, lighting, flooding and other long-standing issues in the area. Placemaking planning has also started for The Strand in Russell and in several Te Hiku locations.

Funding

As per our commitment to provide excellent online services to our communities as part of the Nothing But Net digital strategy implementation, we are in the process of acquiring Smartygrants, an online portal which will allow us to receive, assess, award and evaluate our grants programme. Smartygrants is Australia and New Zealand's most used online grants administration system with 370 federal, state and local government and philanthropic grant makers choosing to use Smartygrants.

Over the next month we will start to implement Smartygrants, including beta testing. Paper forms will still be available for those without connectivity. We aim to go live in April 2022, with information / training sessions for elected members and staff planned.

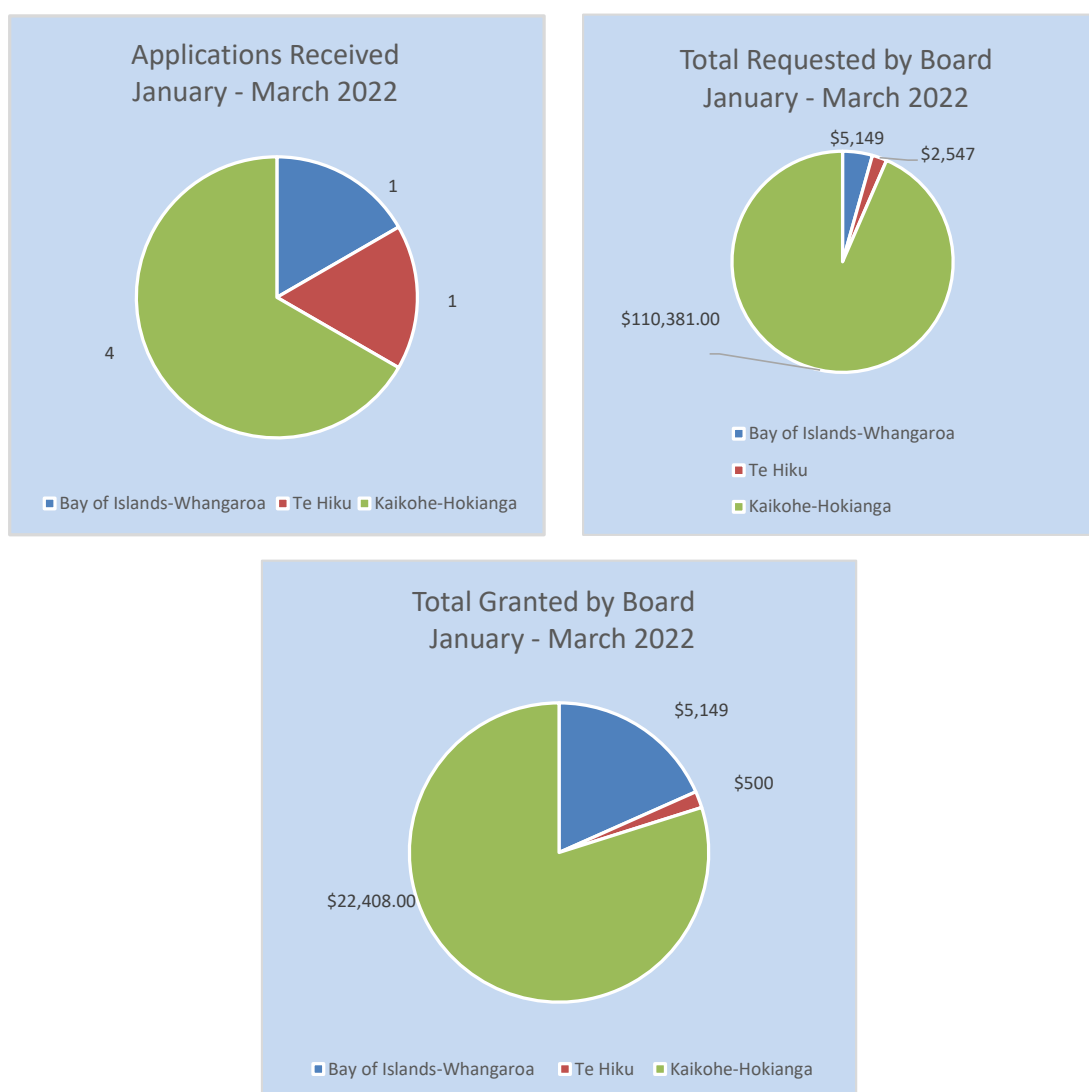
Covid-19 has impacted on the number of funding applications received this quarter; event funding is especially down. It is noted that only six applications have been received in the first quarter, across all

three Boards. Te Hiku and Bay of Islands-Whangaroa Boards met towards the end of March 2022, and the information from those meetings will be reported in the next quarter.

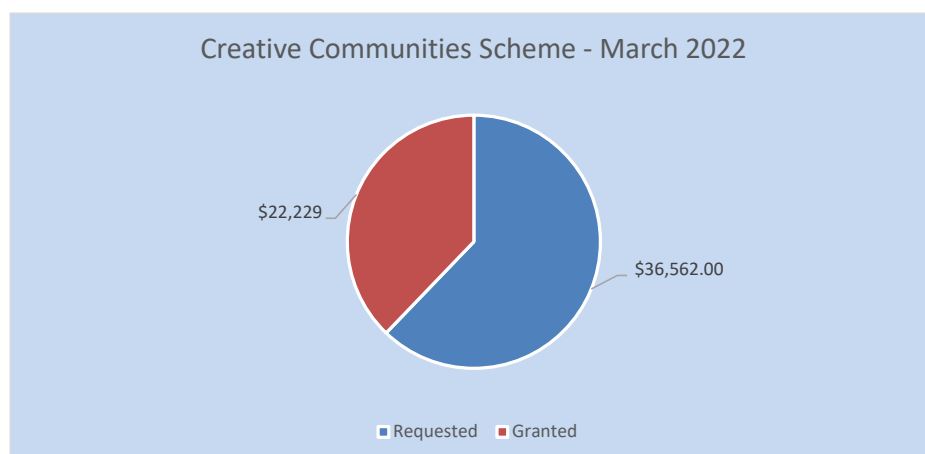
The Bay of Islands-Whangaroa Community Board have funded the Rangitane Residents Association to replace their community-led CCTV network. The CCTV monitors Opito Bay, Doves Bay, the Rangitane settlement, Rangitane Road and part of Redcliffs Road.

Kaikohe-Hokianga Community Board funded Manaki Tinana Trust for the purchase of a laptop to be able to maintain the key tags for entry into the gym in Rawene. They also funded the purchase and delivery of sand to top up the man-made beach area on Clendon Esplanade. This beach area is used for community events like Easter Egg Hunts and casual beach use. They have also funded the Akau Foundation to complete a masterplan for Mangamuka.

The Te Hiku Community Board funded the Kaitaia and Districts A&P Association for the purchase of ribbons for the horses that partake in the dressage part of the Kaitaia A&P Show.



Twelve applications were received for the Creative Communities Fund, with 9 being granted funding and 3 being asked to develop their applications further and resubmit. Additional funding from Creative New Zealand of \$13,806 was received to provide support for arts in the Far North District. Creative Northland, on behalf of Far North District Council, is currently preparing a draft Arts and Culture Strategy for Council to consider. This is being funded by a grant Council received from Creative New Zealand last year.



Engagement

The Engagement Team has enjoyed an increase in interest and demand since December 2021, after the team became certified IAP2 practitioners and presented our pilot engagement framework based on IAP2 principles of best practice to the organisation.

Key focus points include the spatial planning programme of work, climate change and the up-coming Proposed District Plan. Support continues for policy and bylaw projects with two strategies being actively worked on: the Regional Accessibility Strategy and Open Spaces Strategy. Collaboration with the Communications team is key to our ability to deliver strong messaging via appropriate media. We have identified elected representative engagement early-on in projects as an area for improvement for our team and those we advise.

Support is being given to the Local Elections 2022 campaign and work has commenced with Corporate Planning on a comprehensive review of the submissions process to meet statutory planning requirements, organisational strategy priorities and principles of best practice public participation.

Programme	Task	Progress
Climate Change Programme	Communications planning for activation (ref. roadmap - walk the talk etc.)	In progress
	Engagement plan - design/planning	In progress
	Internal engagement	In progress
	Elected Member engagement on climate change	In progress
	Te Tai Tokerau Adaptation Strategy communications and engagement support	In progress
	Te Ao Māori decision-making framework	In progress
District Plan	Engineering Standards	Completed
	Documents by reference - consultation	Not started
	Activate SP site for PDP Engagement with organisation	In progress
	Proposed District Plan Engagement Plan	In progress
	Build Proposed District Plan digital hub (with Communications)	In progress
Engagement Team planning	Submissions management training (Cadet)	In progress
	Engagement Methods workshop presentation	In progress
	Submissions Process Review - consultation software	In progress
	IAP2 best practice on TK3 - PMO	In progress
	Community partnerships directory	In progress
Infrastructure Planning - WWTP	Kaeo WWTP	In progress
	Ahipara DTL	In progress
	Hihi WWTP	In progress

Programme	Task	Progress
Policies and Bylaws	Easter Sunday Trading Policy	In progress
	Regional Accessibility Strategy	In progress
	Vehicles on Beaches	In progress
	Community Initiated Infrastructure – Roeading Contribution Policy	In progress
Reserves Act	Document process for engagement on Reserve Management Plans (RMP) to create blueprint	In progress
	Opito Bay RMP	In progress
	Engagement design session on best practice	Completed
Spatial planning and placemaking	Open Spaces Strategy - Engagement design/planning	In progress
	Kerikeri Waipapa Spatial Plan	In progress

District Planning

Introduction

The District Planning Department has the responsibility of creating and maintaining the District Plan. This is Council's main planning tool to achieve the sustainable management of the district's natural and physical resources, as required by the Resource Management Act 1991. The plan is a living document that must be updated to align with national direction and the changing nature of the district's resource management issues. In addition, plan content must be subject to a review within a minimum of ten years and a consolidated review of the District Plan is currently underway.



What we do and how we do it

The following are key contributors to the development of the new proposed plan supported by public participation:

- 1. The role of a district plan under the Resource Management Act is to manage land use and subdivision. The Plan has a 10-year life and certain content is subject to review within shorter periods. A consolidated review is being undertaken to align with a range of national and regional directions that have direct implications for far north communities.*
- 2. The Plan is being authored in accordance with new national planning standards, changing the structure of the plan and incorporating mandatory content.*
- 3. The Plan must also play a role in representing a new strategic direction for the district. The Plan's 10-year lifespan must bring together strands from Council's long term strategic direction that will be represented in FN2100 whilst demonstrating how we can meet our statutory requirements to ensure that the supply of zoned land and infrastructure meets the district's expected demands for housing and business land.*
- 4. The Plan has been developed in a new digital format designed to allow more direct access to site specific information, allowing individuals, landowners, and communities more direct access to property information and how land use and subdivision is managed. This new format will require guidance and support to maximise utility and efficiency.*

Executive Summary

The focus in the first quarter of the year has been the refinement and further preparation of the Proposed District Plan with a view to seeking notification mid-year.

Developing the District Plan - Progress

There has been targeted further analysis on specific chapters in response to feedback received from engagement activities undertaken in 2021. The team has conducted a number of workshops with elected members aimed at discussing key plan content requiring further examination and confirmation of direction. Elected members were provided with information to support their understanding of

1. Resource management issues
2. Statutory framework
3. Draft plan policies and methods
4. Key issues in feedback
5. Recommended plan policies, methods and associated enablement and non-statutory incentives

Plan workshops conducted with elected members covered a range of plan topics including:

1. Historic heritage and heritage areas
2. Responses to growth demands, including the supply of housing and business lands in accordance with Council's responsibilities under section 31 of the Resource Management Act 1991
3. Indigenous Biodiversity and planning frameworks that can respond to higher order documents without mapping specific resources
4. Technical documents incorporated by reference including new Engineering Standards
5. Engagement with Tangata Whenua and Iwi Authorities

In addition, further spatial analysis to inform the proposed district plan and other related planning processes including the Kerikeri Waipapa Spatial Plan has been undertaken.

The timeline for the plan review process is summarised in the infographic below



Strategy Development

Introduction

The Strategy Development Team includes Strategy (including spatial planning) and Policy Development (including regulatory policy in the form of bylaws) and Climate Change.



What we do?

Following the Council's project management framework for engagement and policy development we develop strategy, policy positions and regulatory policy that guides, informs and directs current and future decisions by elected members, committees, Council, and staff.

Team Kaupapa

- We are committed to learning and growing as individuals and as a team
- We leverage the shared strengths, experiences, and differences in our team
- We question assumptions and norms to develop robust and reliable policy advice
- We form productive relationships with our peers and the community
- We effectively communicate what we are working on with each other, the wider Council, and the community
- We celebrate our successes
- We prioritise our work based on what is important and not on what others might consider is urgent.

Policy Management Framework

The process to develop a new policy takes approximately 12 to 24 months from project initiation to implementation. These are managed as individual projects with many projects dictated by legislative requirements.

Far North District Council has developed a Project Management Framework for policy and engagement projects. Policy and engagement projects include strategy development (including spatial plans), strategic policy and regulatory policy (bylaws). An overview of the different stages of bylaw and policy development are as follows:

Research:	Legislative requirements, evidence analysis, initial engagement with key parties, scoping, problem definition
Conceive:	Options analysis and assessment, options report
Design:	Early engagement, drafting, implementation planning, consultation, and engagement planning, legal assessment, proposal report
Consult:	Formal consultation, engagement activities, oral submissions, submission analysis, re-drafting, <i>adoption report</i>
Activate:	Formal notification, implementation

Status of Policy Projects




The following tables provide a status of the active strategy, policy, and bylaw development projects.





Status Key

- on target to complete policy project
- at risk of not completing on time
- will not meet dates without major interventions and / or decision by Council



Strategy Development






Strategy Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
Far North 2100	Activate	Council adopted Far North 2100 on 4 November 2021	<ul style="list-style-type: none"> Activation Plan to be developed in 2022 will now be reported to the 14 June 2022 Strategy and Policy Committee 	●
Regional Climate Change Adaptation Strategy: Climate Change Roadmap	Consult / Activate	On 22 March 2022 the Strategy and Policy Committee recommended that Council adopt the Te Tai Tokerau Climate Change Adaptation Strategy	<ul style="list-style-type: none"> 14 April 2022: Workshop with elected members and community board chairs on case study sites for climate change adaptation planning Report back to 14 June 2022 Strategy and Policy Committee on progress. 	●
Population Reforecast	Activate	On 22 March 2022 Infometrics delivered to staff their first population projection as part of their contract to deliver this service over the next 3 years	<ul style="list-style-type: none"> Training of staff on the use of the new population projections scheduled for April Publishing of the population projections to a website for public consumption – April/May 2022. 	●
Kerikeri/Waipapa Spatial Plan (Revision of the Kerikeri/Waipapa Structure Plan 2007)	Research	<ul style="list-style-type: none"> February 2022 – workshops with hapū led by Ngāti Rēhia, Community Groups, and Developer representatives Rescoping of project Update on Spatial Planning provided to 22 March 2022 Strategy and Policy Committee. 	<ul style="list-style-type: none"> Workshops with subject matter experts internally on integrated planning Workshops with government agencies required under the NPS-UD to be engaged in the development of a Future Development Strategy 	●




Strategy Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
			<ul style="list-style-type: none"> Establishment of a hapū lead governance group. 4 May 2022: Workshop with elected members on progress to date, options being considered for the Foundation Document 	
Northland to Auckland – Urban Growth Agenda	Concept	<ul style="list-style-type: none"> Northland Regional Council with the Ministry of Housing and Urban Development have taken the lead on some initial constraints and opportunities mapping. 	<ul style="list-style-type: none"> A more complete report to the Whai Kainga Steering Group is being developed by staff from the Ministry of Housing and Urban Development A constraints map is due for review in the second quarter of 2022. 	
Te Waka Hourua – Far North Spaces & Places (Facilities) Plan 2021-2030	Activate	Council approved the support in principle of the Far North Spaces and Places Plan on 4 November 2021	<p>Enablement/Activation Plan to be developed in support of 2022 Annual Plan to be reported to 14 June 2022 Strategy and Policy Committee.</p> <p>The following are underway that are specifically mentioned in the Spaces and Places Plan.</p> <ul style="list-style-type: none"> Te Puāwaitanga Te Hiku Sports Complex 	
Open Spaces Strategy	Research	<p>30 March 2022 – project concept workshopped with elected members</p> <p>Audit of open spaces underway</p> <p>Engagement planning commenced</p>	Fourth quarter 2022: Options report to be presented to Strategy and Policy Committee	

Strategy Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
Art, Culture, and Heritage Strategy	Concept	Project concept to be developed	First quarter 2022: Options paper on way forward for an Arts, Culture and Heritage Strategy	
Solid Waste Strategy	Research	Project planning commenced	Options report due to Strategy and Policy Committee third quarter 2022	
Stormwater Strategy (supporting Infrastructure and Asset Management)	Research	<ul style="list-style-type: none"> Project Planning commenced Engagement planning commenced 	Project currently on hold due to capital works projects	
Regional Accessibility Strategy (support Whangarei District Council as the lead Council)	Research	<ul style="list-style-type: none"> Engagement planning underway Engagement postponed till May 2022 due to Covid-19 	Regional wide community engagement planned for May 2022.	

Policy Development

Policy Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
Climate Change Assessment Policy: Climate Change Roadmap	Research	<ul style="list-style-type: none"> 27 January 2022: Climate Change assessment policy workshop with elected members. Work has continued on the development of policy options for climate change. 	An options paper on the development of climate change policy for Council will be presented to the 3 May 2022 Strategy and Policy Committee.	
Community Initiated Infrastructure Rooding Contribution	Design	<ul style="list-style-type: none"> Internal engagement commenced Workshop with Elected Members 30 March 2022 	Draft policy due to Strategy and Policy Committee third quarter of 2022.	







Policy Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
Limits of Council Responsibility for Formation Maintenance of Roads	Design	<ul style="list-style-type: none"> Internal staff workshop Project reprioritised due to revoking bylaws Research recommenced March 2022 	Options report due to Strategy and Policy Committee third quarter 2022.	
Class 4 Gambling and TAB Venue	Design	<ul style="list-style-type: none"> Options report presented to Strategy and Policy Committee 8 February 2022 Options report presented to Council 24 February 2022 Drafting amendments underway Engagement planning underway 	Draft policy due to Strategy and Policy Committee second quarter 2022.	
Equity and Access for People with Disabilities	Design	<ul style="list-style-type: none"> Options report presented to Strategy and Policy Committee 8 February 2022 Options report presented to Council 24 February 2022 Drafting of amendments underway 	Draft policy due to Strategy and Policy Committee second quarter 2022.	
Naming Policy	Design	<ul style="list-style-type: none"> Drafting of policy provisions underway Discussion with Bay of Islands - Whangaroa Community Board 11 November 2021 Discussion with Kaikohe - Hokianga Community Board 2 March 2022 	Discussion with Te Hiku Community Board 11 April 2022	
Reserves Policy	Design	<ul style="list-style-type: none"> Report on adoption of a reserves policy submitted to 8 February 2022 Strategy and Policy Committee was left to lie on the table while staff and elected members considered how Council's policy position on herbicides can be captured or referenced in a reserves policy 	The Reserves Policy is due to be resubmitted to the 3 May 2022 Strategy and Policy Committee.	




Policy Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
Easter Sunday Trading	Design	<ul style="list-style-type: none"> Options report presented to Strategy and Policy Committee 8 February 2022 Options report presented to Council 24 February 2022 Drafting of new policy complete Engagement planning complete 	Proposal for consultation due to Committee 3 May 2022	
Parking	Conceive	<ul style="list-style-type: none"> Research underway Options analysis and assessment underway Engagement planning underway 	Options report due to Strategy and Policy Committee second quarter 2022	
Trees and Vegetation	Research	<ul style="list-style-type: none"> Project concept planning commenced Staff engagement commenced 	Research and options report due to Strategy and Policy Committee third quarter 2022	

Next tranche of proposed policy development projects awaiting concept development and approval

- Smokefree Environments
- Placemaking policies (subject to change)
 - Placemaking Policy
 - Urban Design Guidelines
 - Street Lighting
 - Footpaths

Bylaw development

Bylaw Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
Parking Bylaw	Consult	<ul style="list-style-type: none"> Analysis of submissions completed Drafting of bylaw completed Legal review completed Final adoption report completed 	Final adoption report due to Strategy and Policy Committee 3 May 2022	
Parking on State Highways	Research	<ul style="list-style-type: none"> Parking on State Highways delegations received Options report for parking on state highways presented to Strategy and Policy Committee 23 March 2022 	Options report for parking on state highways due to be presented to Council 7 April 2022	
Road Use Bylaw	Consult	<ul style="list-style-type: none"> Analysis of submissions complete Drafting of bylaw completed Legal review completed Final adoption report completed 	Final adoption Report due to Strategy and Policy Committee 3 May 2022	
On-site Wastewater Disposal System	Activate	<ul style="list-style-type: none"> Final adoption report presented to Strategy and Policy Committee 8 February 2022 Final adoption report presented to Council 24 February 2022 	Project complete. New Bylaw comes into force 27 May 2022	
Speed Limits	Ongoing	<ul style="list-style-type: none"> Analysis of submissions completed for Kaitiāia-Awaroa; Broadwood-Kohukohu; and Moerewa urban areas, as well as on Te Oneroa-a-Tōhē / Ninety Mile Beach Consultation Report presented to Strategy and Policy Committee 22 March 2022 	Consultation Report due to Council 07 April 2022	
Pou Herenga Tai Twin Coast Cycle Trail	Design	<ul style="list-style-type: none"> Initial drafting of amendments completed Project reprioritised due to bylaws about to revoke Project recommenced Legal review completed Engagement underway 	Draft and Proposal for consultation due to Committee 14 June 2022	

Bylaw Project	Current Stage	Actions undertaken January - March	Next Touchpoint	Status
Vehicles on Beaches	Consult	<ul style="list-style-type: none"> Options report presented to Strategy and Policy Committee 8 February 2022 Options report presented to Council 24 February 2022 Consultation 25 February to 24 March 2022 completed Oral submissions heard 22 March 2022 Bylaw automatically revoked 12 March 2022 Analysis of submissions complete Drafting of bylaw amendments complete Legal review complete Final adoption report completed 	Final adoption report due (as part of Road Use Bylaw report) to Strategy and Policy Committee 3 May 2022	
Reserves	Design	<ul style="list-style-type: none"> Drafting of Bylaw complete Internal engagement underway 	Draft and proposal for consultation due to Committee 14 June 2022	
Maritime Facilities and Mooring Charges	Design	<ul style="list-style-type: none"> Options report presented to Strategy and Policy Committee 22 March 2022 Research into drafting proposals underway. 	Options report to be presented to Council 7 April 2022	

Next tranche of bylaw development projects awaiting concept development and approval

- Animal Control
- Nuisance

Te Hono

Introduction

The purpose of Te Hono is to:

- Support the organisation, leadership, and its groups/departments to build and maintain enduring relationships with Iwi/Māori
- Act as key contact to provide navigation support to Iwi/Māori for Council processes and policies
- Support the organisation to develop capabilities and competencies to engage effectively with Iwi/Māori



To advance the above over the next 3 years, our work programme is clearly set out in Te Pae Tawhiti (Council's 2021-31 Long Term Plan) – Te Mahi Tahi me Te Māori (Working with Māori). Additionally, we will need to be adaptable to the changes within Local Government through legislation, meaning some priorities may change as others emerge or take greater precedence. The work being undertaken is set out in the tables below.

Work Programme




Status Key




● on target

● in progress

● stalled or not started

Project	Progress	Milestones	Expected completion	Status
Undertake a Tiriti Audit to assess the organisations performance in acting in accordance with statutory obligations; and to understand opportunities for improvements	Investigation of other Councils who have undertaken the audit and outcomes. Discussion of a joined-up contract across Northland TLAs to lessen costs Discussions are taking place. WDC In line with this an audit of Memorandums of Understanding is being undertaken with regard to Far North District Council's actions to meet its responsibilities outlined within each document. Once the findings are analysed recommendations will be made for improvement.	Investigation complete Course of action decided Contract or through recruitment, undertake audit Report results Organisation agrees implementation Funding, if required, in time for Annual Plan 23/24 for consideration	February 2022 March 2022 May 2022 July 2022 August 2022	●

Project	Progress	Milestones	Expected completion	Status
Work with Māori to co-design a mechanism to enable Participation of Māori in decisions of Council – at a governance level	<p>Discussion underway with Elected Member - Te Ao Māori Portfolio</p> <p>Te Hono is working with Democracy Services and has provided recommendations regarding Māori representation on Standing Committees</p> <p>Decision to proceed and engage but likely outcome is not to make significant committee changes until new Triennium.</p>	<p>Mandate and support from Te Kahu o Taonui</p> <p>Membership of Working Group</p> <p>Start co-design</p> <p>Implement</p>	<p>Feb 2022</p> <p>March 2022</p> <p>April 2022</p> <p>New Triennium</p>	
Provide an annual contestable fund to assist two Māori in the Far North to attend the Making Good Decisions Course	<p>Investigated timetable for courses in Auckland and requested consideration be given to Whangārei in the New Year</p> <p>Courses for 2022 have not been scheduled yet</p>	<p>Confirmation of 2022 Dates</p> <p>Advertise and promote</p> <p>Selection (and process)</p>	February 2022	
Develop a Competencies Framework to grow the responsiveness capabilities of staff to Māori	<p>Having the capability in Te Hono to deliver is paramount and is part of recruiting the right talent. Included in the development of the framework will be multiple Māori Related Policies.</p> <p>Framework concepts:</p> <ul style="list-style-type: none"> • Available to all staff • Prioritised to needs vs. wants • Stepped approach to learning, dependant on needs • Multiple Teaching Methods • FNDC centric, built by us, for us. 	<p>Kaiarahi Recruitment</p> <p>Planning and research are underway on existing frameworks</p> <p>Supporting policies</p> <p>Organisation mandate</p> <p>Complete analysis, define scope, confirm levels and content</p> <p>Conduct Build</p> <p>Re-confirm scope</p> <p>Conduct trial</p> <p>Test and Adjust</p> <p>Roll-out to FNDC</p>	<p>Completed</p> <p>Completed</p> <p>In Draft</p> <p>May 2022</p> <p>June 2022</p> <p>July 2022</p> <p>Aug 2022</p> <p>Aug – Dec 2022</p> <p>Jan 2023</p> <p>Feb 2023</p>	

Project	Progress	Milestones	Expected completion	Status
Provide Information sessions on legislative obligations to Māori, Treaty settlement legislation, environmental management plans and on Māori perspectives	<p>The first of these are being developed for the first on-boarding session for new staff. Once this is completed and assessed targeted sessions to other parts of the business will be developed</p> <p>Trial completed - discussion underway with P & C for onboarding</p>	<p>Trial assessment at on-boarding</p> <p>Content and approach evaluation</p> <p>Wider rollout</p> <p>Targeted sessions</p> <p>Replicate, adapt and reinforce is ongoing</p>	<p>Oct 2021</p> <p>February 2022</p>	
Support Naming Policy	The internal policy will be developed in 2022. The external policy or guidelines will be developed alongside LINZ, who have the Far North programmed for 2023. As many of the requests beside Road naming are for reserves, waterways, maunga, it is expedient to align processes within the policy implementation or in guidelines.	Waiting on LINZ Schedule for engagement and naming in the Far North	2023	
Māori related policies and/or guidelines	<p>The following Māori related policies will either be stand-alone or will be added as a supplement to current Far North District Council policies:</p> <p>Te Reo and Tikanga Policy</p> <p>Koha Policy</p> <p>Māori Engagement Policy</p>	<p>In Draft</p> <p>Discussion and refinement</p> <p>Adoption</p>	<p>Mar 2022</p> <p>July 2022</p> <p>Oct-Dec 2022</p>	

Māori Relationships / Partnerships

Previously Māori relationships have been transactional in nature in support of major infrastructure projects; however, our focus is shifting to understanding and developing true relationships based on 'partnership.' We are now discussing what process or design elements might look like in discussing concepts like 'co-design' as a way forward. The effects of this new way of approaching relationships / partnerships can only be positive. The Māori Engagement Policy (currently in draft) will provide more clarity on what and how to approach relationships / partnerships with mana whenua. The eventual adoption of the Māori Cultural Competency Framework will, through education, facilitation and discussion provide the Te Tai Tokerau context from which Far North District Council personnel will grow in their individual and corporate capabilities to understand the 'why' and the 'how' of relationship / partnership building into the future for Te Tai Tokerau.

Māori Development / Capability / Capacity

The current programme is focussed on improving decision making through completion of the Making Good Decisions Course to deliver development to Māori. Over the next year Te Hono will be looking for opportunities to address this.

Digital Strategy

Executive Summary

Nothing But Net (NBN) is an award winning, community led strategy to deliver and bridge the digital divide across the Far North. Focussed on digital equity, affordability, education, and economic growth across the region, whilst engaging and reviewing outcomes with the communities we support.



Goals for the Far North Digital Strategy – 3-year outlook – Nothing But Net:

- **Tuhono** - Connect. *The Far North will have world class mobile and broadband infrastructure by 2023 and every school aged child will have internet access in the home.*
- **Whakatipu** - Grow. *The Far North will challenge the pre-covid economic model and use technology to create a new state of being that embraces disruption, collaboration and localism and has positive social impacts.*
- **Korero mai, Korero atu** – Speak up, Speak out. *The Far North will be known as a tech-friendly district with a skilled workforce.*
- **Manaaki** – Care. *Our people will be digitally literate and have the support they need to use connectivity to help take better care of themselves, each other, our culture and our environment.*
- **Whakarato** – Deliver. *The Far North District Council will embrace new technology and use connectivity to create great places and support our people.*

Key Achievements

Tuhono – Connect. Whakarato – Deliver

1. Working with the tourism infrastructure funding (TIF), as there is cross over to the Nothing But Net strategy around public wi-fi. To deliver public wi-fi in Paihia and Russell – this project is underway now.
2. Developing a public wi-fi stream to “fill the gaps” in coverage areas and leverage current digital infrastructure. With a future focus on smart cities. Work-streams are being developed to outline scope. A procurement plan is being created to support this workstream.
3. Workshop with Spark, including their mobile team, Māori Development team and Spark Foundation. As well as Vodafone and Chorus – gain understanding of current and future state.

Working with Ministry of Business Innovation and Employment (MBIE) and Crown Infrastructure Partners (CIP) around future investment opportunities – community focused. There is a “Future of Connectivity” programme, which we are collating locations where coverage needs to be addressed – ongoing work.

Whakatipu - Grow. Manaaki – Care.

1. Progressing and developing the Ngawha Innovation Park and getting partners to work with Far North District Council to assist in delivery solutions and a tech hub. NBN has been enlisted to assist with the Technology Hub at Ngawha and are engaging partners to support the initiative.
2. Continued active engagement with the Northland Digital Enablement Group (DEG), with cooperation around the Digital Strategy to cover all of Northland. Far North District Council is now the Chair of the DEG working on a Northland wide approach. Work undertaken to get

Whangarei and Kaipara District Councils to adopt the Far North District Council NBN Strategy, with their own actions and outcomes.

3. Developing a plan to work with local providers and Te Kōhanga (Kaikohe) around digital learning programmes, with outcomes for internships, scholarships, and further education. This is under action, with the programme to start in the next semester.

Korero mai, Korero atu – Speak up, Speak out.

1. Engaged with the community board and gained understanding their requirements.
2. Organising meetings with other Partners for the future state objectives of the Nothing But Net strategy, including the Digital Marae programme & Network for Learning (N4L) to leverage their networks and community engagement.
3. Working closely with several partners, including Chorus, Spark, Vodafone, Takiwa, Microsoft and others to provide community outcome initiatives for the Far North.
4. Continued work with MBIE and CIP around infrastructure for the Far North (and Northland) and lobbying to get priority for delivery of new services.

Whakarato – Deliver.

1. Proof of Concept (PoC) for public wi-fi, late March 2022, Bay of Islands Airport, other sites to be agreed and defined, workstream under action.
2. Delivery of the TIF public Wi-fi, March 2022 (to cover Paihia, Opuā and Russell). Currently underway.
3. Progressing and developing the Ngāwhā Innovation Park and getting partners to work with Far North District Council to assist in delivery solutions.
4. Working with the tourism infrastructure funding (TIF), as there is cross over to the Nothing But Net strategy around public wi-fi, data collection (IoT) etc.
5. Actively working with Digital Equity Coalition Aotearoa (DECA), joining the regional forum to lobby central government. Focusing on connectivity and affordability – a hui is being held in May 2022 to present to the national group.
6. Partnering with Tautoko FM to deliver fibre (via Chorus) and build a community led public wi-fi outcome. Tautoko FM is in Mangamuka and sits on State Highway 1 and the Te Araroa Trail.
7. Creating stronger relationships with Iwi, / Hapū and the community.
8. Closer engagement with the Far North District Council Community teams and the Community Boards.
9. Working with volunteer organisations to assist with digital inclusion, training, and equity.
10. Create a pan council approach for sharing and lobbying.
11. Working on a partnership eco-system.
12. Delivering an IoT and external digital strategy for Far North District Council, to create a Smart District approach and leveraging technology to deliver outcomes for Council and the communities we serve.
13. Invited Spark to present their high-level plans and discuss their Māori Development strategy and start to align the synergies.

What's next

- Organising meetings with other Partners for the future state objectives of the Nothing But Net strategy, including the Digital Marae programme & Network for Learning (N4L) to leverage their networks and community engagement.
- Continued engagement and lobbying of Rural Connectivity Group (RCG), MBIE, CIP and Chorus, as well as other partners to improve the coverage footprint of Northland and the Far North in particular.
- Working closely with communities to understand the issues in detail and gaps and develop solutions to meet those objectives and outcomes, which feeds into the work directly with central government and partners.
- Working internally around an Innovation Hub or hubs in Kaikohe and other key locations to bring in staff and external stakeholders to deliver new and relevant services from Council.
- Progressing and developing the Ngawha Innovation Park and getting partners to work with Council to assist in delivery solutions.
- Continued active engagement with the Northland Digital Enablement Group, with cooperation around the Digital Strategy to cover all of Northland.
- Developing a Nothing But Net Plan on a Page.
- Completing a workstream and procurement plan to deliver solutions for the community to meet connectivity and ongoing skills development.
- Develop a communications strategy so that we can advise both internally and externally the improvements made to connectivity, where, when and access to support for digital skills.
- Joined (via ALGIM) the Smart Cities Council Australia New Zealand (SSCANZ) - to leverage their contacts around smart cities, and connectivity and their lobbying potential.
- Working on an Operational Expenditure model for the ongoing Nothing But Net work streams, with the Strategic Leadership Team and Elected Members.

6.3 NATURAL AND BUILT ENVIRONMENTS ACT FURTHER FEEDBACK TO THE MINISTRY FOR THE ENVIRONMENT.

File Number: A3612973

Author: Andrew McPhee, Senior Policy Planner

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of the report is to inform the Strategy and Policy Committee of feedback submitted by the Far North District Council (Council) on the further questions from the Ministry for the Environment (MfE) on the Natural and Built Environments Act (NBA).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Central Government is in the process of reforming New Zealand's resource management framework. The Resource Management Act 1991 (RMA) will be repealed and replaced with three new pieces of legislation.

An exposure draft for the NBA was the first of those three new pieces of legislation available for comment and a submission was prepared and lodged by the Council on 3 August 2021.

After reviewing the submissions on the exposure draft for the NBA, MfE posed some further questions and invited Council to respond. Feedback on these questions was required by 28 February 2022.

Internal feedback was collated within Council and was provided to MfE on 25 February 2022.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Natural and Built Environments Act further feedback to the Ministry for the Environment.

TĀHUHU KŌRERO / BACKGROUND

In February 2021, Central Government announced it would repeal the RMA and enact new legislation based on the recommendations of the Resource Management Review Panel. Three new Acts are being prepared:

- Natural and Built Environments Act (NBA) - the main replacement for the RMA and is designed to protect and restore the environment while better enabling development;
- Strategic Planning Act (SPA) - requires the development of long-term regional spatial strategies to help coordinate and integrate decisions made under relevant legislation; and
- Climate Adaptation Act (CAA) - supports New Zealand's response to the effects of climate change and will address the legal and technical issues associated with managed retreat, as well as the funding and financing for adaptation.

A submission was prepared by Council on the exposure draft for the NBA and was lodged with the MfE on 3 August 2021 (see Attachment 1).

A select committee reviewed the feedback and made 37 recommendations on 18 November 2021. Following these recommendations, a further discussion document on the future resource management system was issued in November 2021 and asked for further feedback in the form of several questions. Council provided feedback on 25 February 2022 (see Attachment 2).

The timing required to provide feedback meant approval could not be obtained through the Strategy and Policy Committee (STRAT). The submission was prepared inhouse by a Council officer and content was consulted on with the following:

- Internal departments:
 - Environmental services

- Monitoring
- Strategic Policy and Planning
- Infrastructure
- Te Hono
- the Chair and Deputy Chairperson of the STRAT;
- the General Manager – Strategic Policy and Planning; and
- the Manager – District Planning

The submission was lodged under delegated authority through the Strategy and Policy Committee Terms of Reference.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Similarly, to the feedback provided on the exposure draft in August 2021, Council was limited in terms of what it could meaningfully feedback given the limited detail provided both in the exposure draft of the NBA and the more recent materials for discussion. Detail around the SPA and CAA and how they will relate to the NBA was also absent.

In line with the topics and questions raised in the further material, Council's feedback concentrated on the following topics:

- National Planning Framework (NPF) – Council considered that the NPF needs to be in place and cover the full range of resource management issues prior to any regional spatial strategies or NBA plans being released. Council also commented on timeframes for review and alignment with other Council documents and strategies.
- Regional Spatial Strategies (RSS) – Council commented on the importance of practical implementation plans with triggers to deliver wider infrastructure requirements and funding. Any agreements around who pays for what, how and when needs to be cemented up front to ensure that RSS can be implemented, is legally transparent and is binding.
- NBA plans – Council stressed the importance of local democratic input in any plan or placemaking process. Further questions were posed to MfE about the potential of sub-regional plans in terms of what they would include, their statutory weight and what obligation an NBA plan would have to include sub-regional content.
- RSS and NBA joint committees – Council had concerns around the makeup and function of joint committees including tangata whenua representation. It was difficult to understand or interpret what influence local authorities and select iwi and hapū groups would have within their jurisdiction.
- Consenting – Council supported the new framework as in theory it should be a marked improvement with simplified activity classes, consistency of rules, definitions, and clarity as to which applications are to be notified. Concern remains how councils will apportion rights to adversely affect natural resources where they are approved under the NPF and how these systems ensure environmental bottom lines are not crossed in instances where there are cumulative effects.
- Compliance, monitoring, and enforcement (CME) – Council supported user pays in circumstances where significant Council resource is required for investigation and enforcement. Concern remains around independent decision making when it is anticipated that local authorities will continue to be responsible for the delivery of CME services, including decision-making about when to take enforcement action and what type of action to take.
- Monitoring and system oversight – Council supported the proposed approach to monitoring and oversight as it should lead to positive outcomes for the environment. Concern remains around implementation and the potential to impose a significant cost burden on Council, being the expectation is that councils will continue to be responsible for it.
- Role of local government in the future system – Council still has concerns around the accountability relationship between joint committees and their constituent local authority. There is a need for a clear process road map which demonstrates how local, regional, and central government contribute to the future resource management system.
- National Māori entity – Council considered the establishment of a national Maori entity in the new resource management system problematic, as the framework is addressing a regional

environment. While a National Māori entity would provide oversight over systems and processes it would need to delegate true authority to the regional Māori (iwi/hapū) authority(ies).

- Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements – Council considered the process could be enabled and integrated with transfers of powers and joint management agreements. It is important that enhanced Mana Whakahono ā Rohe include all whenua, wai and taonga interests.
- Funding in the future system – Council considered that the responsibility in terms of funding the proposed function under the new legislation needs to be fairly apportioned across the nation and not left to a handful of districts to protect. Council recommended that a comprehensive funding report be developed so parliament, local government and communities can support and adopt it. A full and frank discussion on the issue would be vital to ensure local government contributions are fair and affordable. Council reiterated its concern around the significant difficulty attracting and retaining the capacity and expertise it needs to carry out its existing resource management functions.

It is expected that the feedback submitted by Council and other stakeholders will be further considered by Central Government and will contribute to the content and makeup of the NBA and SPA Bills in the third quarter of 2022.

Government's intention is to enact both the NBA and the SPA in this parliamentary term (2023).

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

There are no financial implications for Council contributing by way of further feedback to MfE on the NBA. The preparation of the submission was absorbed within existing budgets.

ĀPITI HANGA / ATTACHMENTS

1. **FNDC Submission NBA exposure draft_August2021 - A3612965** [↓](#) 
2. **2022 02 24 RM reform further feedback - A3612960** [↓](#) 



HE ARA TĀMATA
CREATING GREAT PLACES
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Email: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

Private Bag 752, Memorial Avenue
Kaikohe 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 401 5200
Fax: (09) 401 2137

3 August 2021

Ministry for the Environment

RE: Far North District Council submission on the exposure draft for the Natural and Built Environments Act

The Far North District Council (Council) welcomes the opportunity to provide feedback to the Environment Select Committee (Select Committee) on the exposure draft for the Natural and Built Environment Act (NBA). Council acknowledges that the NBA is one element of the new legislative system replacing the Resource Management Act 1991 (RMA) and that drafts of the Spatial Planning Act (SPA) and the Climate Change Adaptation Act (CAA) will be available for feedback over the coming years along with the balance of the NBA. Council looks forward to providing comment on the balance of the NBA and the remaining pieces of legislation once they become available for comment.

Council generally supports the stated objectives for reform as identified in the accompanying parliamentary paper but has concerns about some of the detail. Council is however limited in terms of what it can meaningfully feed back given the high-level content provided in the exposure draft of the NBA and the significant gaps in the information provided.

Further limiting is the absence of a National Planning Framework (NPF), as well as content for the SPA and the CAA. Understanding how the exposure draft meets the identified objectives will depend on further drafting of the NBA, SPA and the CAA and how well they integrate with other reforms being proposed such as three waters.

Council's CEO is a member of the Department of Internal Affairs led Local Government Chief Executive Forum for Resource Management Reforms. The aim of this forum is to ensure the reform policy is of high quality and that legislation will work for local government (and others) on the ground. It also has input into how the transition to the new system will be managed, as well as how it will be implemented in line with the reform objectives.

Council also has representation on the Resource Management Reform Reference Group (RMRG) that input into the submission on the exposure draft of the NBA by Taituarā and supports the content within that submission. To reduce duplication this submission concentrates on those matters in the exposure draft of the NBA that are of particular relevance to the Far North District (FND) and provide context. Council's submission should be read in conjunction with the Taituarā submission.

Territorial Authority functions

Council considers it fundamental that local democratic input must be maintained in any plan making process involving their communities and how they are developed. New Zealand has a well-developed democracy where grass roots participation of New Zealanders has insisted on, and won, influence in the way territorial authorities make decisions about the future of how their communities look and feel and how sustainable management is achieved.

We must have a structure where democratically elected local representatives retain the ability to have input into plan making that affects their constituents. Orthodoxy is anybody from any community being able to talk to a Community Board and/or Council, who are local government

representatives that are democratically accountable to their communities and are elected to make decisions on their behalf. While we appreciate that central government wants New Zealand to look a certain way, not enough conversation about what that looks like has been undertaken in a bottom up approach.

The NBA is regionalising issues and processes that are best addressed at the local level. What a community looks and feels like is highly localised, and something that should be determined by local people. Creating new regional plan making functions and regionalised rules has the potential to undermine the ability of local communities to influence and make decisions about the places in which they live.

We question whether local representation could be achieved through the proposed membership of planning committees that will be responsible for making NBA plans. The accountability relationship between planning committees and their constituent Territorial Authorities is unclear.

It is essential that Councils are given clear direction around the continuation of plan making under the RMA. We are currently undertaking a consolidated review of our district plan and intend to notify it at the end of this year. Significant time and resources have been invested to prepare the district plan and Council needs to understand if this process should be stopped. It is necessary for Council to understand how the legal framework applies if our plan is notified prior to the repeal of the RMA. Commentary on this matter is imperative so Council can focus resources in a timely manner that can best prepare us for the suite of changes that lay ahead.

We need to know what, if any, provisions from second generation plans can be transferred into the new resource management system. It is anticipated that it would take a number of years to write a 'regional plan' under the new legislation. In the interim the existing district plans would apply and it is unclear whether there will be scope for private plan change applications to still be made over that time.

Tangata whenua

Approximately half of the Far North population is of Māori descent and 17% of all the land in the FND is whenua Māori under Te Ture Whenua Māori Act 1993. This illustrates the importance of working in partnership with tangata whenua in the FND and ensuring the relationships and support/resource is available so meaningful contributions can be made. In that respect Council is concerned that tangata whenua have not been included in the conversation around the NBA early enough and have not been sufficiently included in the co-design of the legislation. While the language and intent of the legislation is one of inclusion, understanding what that means for Māori being able to exercise kaitiakitanga is not well understood.

FND have 11 iwi authorities for the purposes of the RMA 1991 and there are between 160 and 200 hapū. To contextualise this further, Te Rarawa have 23 hapū, Ngāti Kahu have 18 hapū and Ngāpuhi, Aotearoa's largest and most dispersed iwi, has 110 hapū, of which approximately 92 are located within the boundaries of the FND.

A core feature of Ngāpuhi is hapū rangatiratanga or the right to self-determination particularly in relation to social, economic, cultural, environmental and political development. To this end Ngāpuhi have established 10 Takiwā each with their own boundaries, which are made up of hapū and marae.

Additionally, Council is a signatory to a governance level relationship agreement between Tai Tokerau mayors and chair and Te Kahu o Taonui chairs called Whanaunga kī Taurangi, which was signed in 2019. Six of the eleven iwi authorities are signatories. Council have four other memoranda of understanding between iwi, hapū and an incorporation. Some of these are at governance level and others at the operational level. Council also has 14 iwi and hapū environmental management

plans lodged. This shows the level of complexity when working with tangata whenua in the FND which will need to be adequately provided for and resourced within the RMA reform.

Council also has six iwi in the district that have Treaty of Waitangi Claims Settlement Acts, enacted.

Council notes that there are a number of terms associated with tangata whenua that are not clearly identified within the exposure draft of the NBA, they include:

- kaitiakitanga
- mana whenua
- iwi and hapū
- customary rights
- Te Oranga o te Taiao
- cultural landscape

We note that clause 5(3) 'incorporates' a list of matters that relate to Te Oranga o te Taiao. Council considers that the concept must be clearly defined in clause 3 as the matters listed are not exclusive. Like many Māori words and concepts there may be numerous meanings or interpretations, and while there is guidance in clause 5(3) it is considered that implementation of this concept may suffer the same fate as 'sustainable management' in the RMA, in so far that it will likely take years/decades of case law to establish what it means and how it is applied.

Council would have expected 'cultural landscapes' to be defined separately or included within the definition of cultural heritage, given the context within which it is used in clause 8(h) which states "*cultural heritage, including cultural landscapes...*"

Council supports the approach of 'giving effect' to the principles of Te Tiriti, and the strategic role that is envisaged for tangata whenua in the new system. We would like to see the principles of Te Tiriti explicitly stated in the drafting of the NBA, so that they are generally understood and not up for debate.

The principles of Te Tiriti are not fixed but are broadly understood to be Partnership, Participation and Protection. However, tangata whenua will have strong views on these and without the principles being identified and codified within the NBA, we are concerned that persons exercising powers and performing duties and functions under it will not be clear on the obligations they are required to meet.

It will be important that this work is undertaken in close partnership with tangata whenua and that appropriate time and resource is provided by central government to ensure meaningful participation in decision-making processes. The wealth of tangata whenua representation in the FND will require significant investment in resources from central government if this process is to be successful.

Council also considers that the final NBA needs to clarify the relationship between NBA plans and the various pieces of Treaty settlement claims legislation. It must also clarify what will happen in respect of any existing or future Mana Whakahono ā Rohe (MWaR) arrangements. This is important to the FND in light of a MWaR request for implementation from Te Whiu.

Purpose of the Act

Council notes there is no explicit reference to the built environment in clause 5, although it does refer to enabling "*people and communities to use the environment*". The focus however of clause 5 clearly appears to be more on resource use than developing the built environment. While Council acknowledges that these matters may be addressed in more detail in the final draft of the NBA or within the SPA, we would like to see more explicit reference to enabling urban development within the built environment.

Council would like to see a definition for the 'built environment' included in clause 3, similarly to that for the 'natural environment' for clarity.

Environmental limits and outcomes

Council agrees with the intent of setting environmental limits as it makes those limits clear to landowners. Council has concerns however around how environmental limits will be set and whether those limits will be consistent across the country or set at a regional/district level. The FND has extensive areas of undeveloped land and land that has been identified as requiring protection under the RMA as matters of national importance.

It would appear similar protection will be required to protect those natural environments through clause 8 of the NBA. Council considers that the responsibility needs to be fairly apportioned across the nation and not left to a handful of districts to protect, unless adequate resource and financial assistance is provided to compensate landowners that have for the most part had opportunity to develop their land removed.

Our district economically underperforms compared to other regions and New Zealand as a whole. It is vital that we do not end up carrying the environmental responsibilities for the benefit of the nation or region at the cost of improving our economic and social wellbeing. In addition, it is likely Māori land would be heavily affected as it has not been actively utilised due to lack of access to resourcing, complex multiple ownership issues, and historical migration to cities.

The government has signaled a desire to enable better utilisation of Māori land and increase regional productivity, but it is unclear how that might be achieved if large areas of the district can't be utilised, or if 'conventional' development is cost prohibitive. Assistance with research or other resourcing may be required if owners are to achieve an economic return without compromising environmental integrity or quality.

Council is concerned that the NBA continues the RMA mantra of 'first come first served' in terms of allowable degradation of the natural environment within any set limits. It is considered that a more nuanced limit setting regime will need to be constructed to ensure that a handful of properties do not reach the limit for built development in an area envisaged to accommodate more. This is considered particularly important in the context of providing for growth and having enough housing and business land to satisfy that growth.

The absence of a hierarchy for the environmental outcomes listed in clause 8 is problematic. If applications are referred back to Part 2 of the NBA, then that will inevitably lead to some outcomes being balanced against others. Strong direction will be needed for the environmental limits to ensure that development and wellbeing are to be achieved in ways that also improve the environment.

Implementation and resourcing

Limited detail has been provided around the transition from the RMA and implementation of the NBA, particularly in terms of how it will be resourced. It has been acknowledged by the local government sector that it is already experiencing significant difficulty attracting and retaining the capacity and expertise it needs to carry out its existing resource management functions. Many councils including our own are experiencing ongoing recruitment churn, which has significant time and financial implications.

The shift from managing adverse effects to complying with environmental limits and promoting outcomes for the benefit of the environment will require a change in culture. Resourcing of capability building, in terms of guidance and training, from local government will be needed for a smooth transition.

Arguably the transition from the Town and Country Planning Act to the RMA in the early 1990s could have been done better. The process was significantly impeded by a failure to adequately recognise and resource the necessary transition for professionals and other stakeholders, who had been trained and had practiced under a different set of imperatives and understandings. It would be unfortunate to repeat that historical error.

Council is interested in understanding how the baseline for environmental limits will be set and whether it will be a case of central government setting criteria by which each Council has to assess, investigate and report. If this is the case then it will be a resource intensive and expensive exercise if done properly and based on, amongst other disciplines, scientific and ecological evidence.

National Planning Framework (NPF)

Council generally supports the idea of having consistent and consolidated national direction in the form of a NPF. This should set a national direction from the start and should negate the need to continue to create national policy direction if and when required, as is the system we have now.

This will save Councils having to continuously change and update to reflect the latest national policy direction, which is a significant imposition on Councils' limited resources. However, the lack of detail around how it will work makes it difficult to provide meaningful feedback. For example, it is not clear what role local government will play in developing the NPF, nor is it clear what roles and functions will still sit with territorial authorities vs planning committees in terms of policy functions, compliance, monitoring, and enforcement functions.

Council supports the intent of clause 10(c) which as drafted proposes that the NPF is mindful that a 'one size fits all' may not be appropriate in all instances and may have unintended consequences for some parts of the country. By way of example, the impending National Policy Statement on Indigenous Biodiversity has significant implications for the FND.

Initial mapping indicates that approximately 42% of the FND is identified as SNA affecting approximately 9,000 landowners. This along with Outstanding Natural Landscapes, which cover approximately 22% of the FND, as well as high and outstanding natural character of the coastal environment, which covers approximately 50% of the terrestrial area identified in the coastal environment, already place a large burden on land owners in the FND.

With the further introduction of cultural landscapes in a district known as the birthplace of the Nation and where Māori settlement first occurred, the majority of the district could be identified with those values. Protection of such resources need to be proportionate to the communities that are protecting them for the benefit of the nation.

It would appear that the FND is over represented in this regard and it would not seem equitable for the FND to be the part of the country 'carrying the can' to protect these areas in perpetuity while other areas of the country do not.

Council is also concerned over the uncertainty of the protection of highly productive land. The exposure draft does not provide certainty that this land will be protected from land fragmentation and inappropriate land uses. Central government is creating a National Policy Statement for Highly Productive Land that needs to carry through and have a clear framework for its management and protection. Not requiring the outcome to promote highly productive land in clause 8(m)(iii) through setting a mandatory environmental limit in clause 13 seems at odds with the purpose of the NBA in enabling people and communities to use the environment in a way that supports the well-being of present generations, without compromising the well-being of future generations.

Planning committees

Council considers having limited local representation on the planning committee problematic. We have concerns around fair and appropriate community representation and the ability to garner feedback and contributions from the wealth of community relationships held by the FND and tangata whenua. While Council acknowledges the need for plan making processes to be efficient and not overly complex, this needs to be balanced with opportunities for the community to be provided genuine and meaningful input.

If communities and tangata whenua groups do not feel represented on the planning committee, they will likely feel disengaged which will make it difficult for NBA plans to reflect and meet the needs of the community.

Similarly, if the planning committee secretariat sits within regional councils and has little to no territorial authority input there will inevitably be issues around achieving appropriate representation of local interests.

Summary

Council is thankful for the opportunity to provide feedback on the expose draft for the NBA. Unfortunately, at this juncture there is not enough content or detail to understand important components around governance, resourcing and responsibilities, and what level of input territorial authorities will have in policy and plan making.

There are also outstanding questions in regard to where liability sits and territorial authorities' ability to challenge planning committee decisions should they feel they do not align with local planning initiatives.

As previously stated, Council supports the submission prepared by Taituarā and has not repeated that content in this submission. This submission is to be read in concert with the Taituarā submission.

Yours sincerely



Darren Edwards
General Manager Strategic Planning and Policy



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CREATING GREAT PLACES
Supporting our people

Email: ask.us@fndc.govt.nz
 Website: www.fndc.govt.nz

Private Bag 752, Memorial Avenue
 Kaikohe 0440, New Zealand
 Freephone: 0800 920 029
 Phone: (09) 401 5200
 Fax: (09) 401 2137

28 February 2022

Ministry for the Environment

RE: Far North District Council's feedback on the Ministry for the Environment. 2021. Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion. Wellington: Ministry for the Environment.

The Far North District Council (Council) welcomes the further opportunity to provide feedback and help shape the Natural and Built Environment Act (NBA) and Spatial Planning Act (SPA), for which Bills will be introduced into Parliament later this year. As with the feedback provided on the exposure draft in August 2021, Council is limited in terms of what it can meaningfully feedback given the limited detail provided both in the exposure draft of the NBA and the more recent materials for discussion.

In summary Council's submission on the exposure draft concentrated on the following topics:

- Territorial authority functions – what role does local democracy have in the new legislative framework;
- Tangata whenua – what is tāngata whenua's role in the new legislation and how will that role be resourced. What is the relationship with treaty settlement legislation;
- The purpose of the NBA – what is the relationship between the natural and built environments;
- Environmental limits and outcomes – how will environmental limits be set and will they be consistent across the country. Will there be a hierarchy for environmental outcomes;
- Implementation and resourcing – how will the transition from the RMA and implementation of the NBA be resourced. Where will the responsibility lay to resource the research to set environmental limits.
- National planning framework (NPF) – what is the role of local government in developing the NPF and what functions will sit with territorial authority's vs planning committees;
- Planning committees – what level of local representation will there be on the planning committee.

Council makes the following comments in response to the questions raised in the materials for discussion.

National Planning Framework

Council considers that the NPF needs to be in place and cover the full range of resource management issues, including the important issues of climate change, prior to any regional spatial strategies or NBA plans being released. Further, it needs to clearly define the definition of and methodology for giving effect to the principles of the Te Tiriti o Waitangi.

There is scope for this to reduce pressure on the planning system by:

- Specifying standards for the management of well understood resource management issues which are currently subject to extensive and costly debate through the resource consents process.
- Specifying limits and identifying the pressures on those limits through regional spatial strategies (RSS). This would allow NBA plans to prescribe rules to prevent breaching of these limits.

- A strategic use of prohibited activities and a lower reliance on subjective analysis of effects would improve certainly of outcomes from plans.

The current timeframes in the RMA for review and monitoring seem appropriate. The issue is more the length of time it takes to undertake a full review of a plan and then taking it through a Schedule 1 RMA process. It is important that the timeframe chosen aligns with other council documents such as the long term plan, so strategies, planning and infrastructure funding can be aligned.

Regional spatial strategies

To deliver a successful RSS it is essential that the RSS outcomes and deliverables are anchored into practical implementation plans with triggers to deliver wider infrastructure requirements and funding. Any agreements around who pays for what, how and when needs to be cemented up front to ensure that RSS can be implemented, is legally transparent and is binding. It is likely that RSS will be ineffective unless they can be enforced.

It is important to have representatives at a local level on the RSS joint committees as this is the only way a true understanding of each districts issues and aspirations is understood. Council considers that representation should at a minimum include an elected member and staff who are subject matter experts.

NBA plans

Council generally supports the stated objectives of the reform but remains of the opinion that it is fundamental that local democratic input be maintained in any plan or placemaking process involving their communities and how they are developed. What a community looks and feels like is highly localised, and something that should be determined by local people. In most cases local authorities, through their community boards, work with their communities to deliver outcomes and ensure the appropriate placemaking provisions are present in statutory documents.

The idea of sub-regional plans has merit to ensure input at a localised level, however without any detail on how this may be achieved it is difficult to understand if they would be effective. What would they include? Would they have statutory weight and what obligation would the NBA plan have to include in its content?

RSS and NBA joint committees

While several proposals for the makeup of RSS and NBA joint committees are identified, little detail surrounds how they will function. While it is stated that RSS and NBA joint committees will have representation from local government, hapū/iwi/Māori and central government, concern remains. It is stated that there is a preference (not requirement) for representation of all local authorities in the region on the committees. It is difficult therefore to understand the influence local authorities would have within their jurisdiction.

A joint committee model consisting of representation from mana whenua and local community groups would build on the wealth of community relationships held by the Far North District and tangata whenua and would assist in effective representation and local decision making. If communities and tangata whenua groups do not feel represented on the planning committee, they will likely feel disengaged which will make it difficult for NBA plans to reflect and meet the needs of the community.

While Council acknowledges the need for plan making processes to be efficient and not overly complex, this needs to be balanced with opportunities for the community to be provided genuine and meaningful input.

Consenting

In theory the new framework should be a marked improvement with simplified activity classes, consistency of rules, definitions, and clarity as to which applications are to be notified. The current debates over the level of adverse effects and subsequent notification decisions engages a considerable amount of both council planning officer and consultant time.

Concern remains how councils will apportion rights to adversely affect natural resources where they are approved under the NPF. How will these systems ensure environmental bottom lines are not crossed in instances where there are cumulative effects? Will rules have the capacity to transition from permitted to prohibited if it is identified that a bottom line has been reached?

The certainty and effectiveness of the proposed future system will be dependent upon its implementation. There was scope for the current planning system to be efficient and effective under the RMA but a lack of central government guidance from the outset through National Policy Statements and National Environmental Standards left territorial authorities and the courts to resolve issues.

Compliance, monitoring and enforcement (CME)

User pays in terms of compliance, monitoring and enforcement is more appropriate in circumstances where significant Council resource is required for investigation and enforcement. The burden of that cost would be more fairly apportioned to the consent holder. Council has the following questions:

- How will compliance and enforcement decision-making be independent and not subject to inappropriate influence or bias when it is anticipated that local authorities will continue to be responsible for the delivery of compliance, monitoring, and enforcement services, including decision-making about when to take enforcement action and what type of action to take?
- What benefit is there in increasing the statute of limitations? Will this not result in slower investigations and decision making?

Council agrees with the deferral of CME regional hubs, CME and local councils are intrinsically inter-twined and the level of separation created by regional hubs would appear to be counter intuitive.

Any new process promoted through legislation with new enforcement tools will require detailed training and mentoring. There are also likely to be significant system changes required. It will be challenging to resource implementation and training of new systems while addressing current staff workloads.

Monitoring and system oversight

In theory the proposed approach to monitoring and oversight is good and should lead to positive outcomes for the environment. It needs to be acknowledged however that implementation has the potential to impose a significant cost burden on Council, being the expectation is that councils will continue to be responsible for it. The Far North District (FND) is approximately 7,323 square kilometres with a comparatively small rating base (35,252 persons). FND also has extensive areas of land that has been identified as requiring protection under the RMA as matters of national importance.

Providing greater opportunities for Maori to be involved in monitoring activities is also a positive. How is adequate resourcing and education envisaged to be resourced in the Far North where we have 11 iwi

authorities and between 160 and 200 hapū? Resourcing and education are important so meaningful contributions can be made.

The responsibility to fund or resource monitoring needs to be fairly apportioned relative to the district's ability to fund it.

Role of local government in the future system

An effective relationship between local authorities and joint committees will be dependent on the requirement in the legislation to either 'consider', 'have regard' or 'give effect' to local place making. It will also depend on the type of representation each local authority has on the respective committees. The accountability relationship between joint committees and their constituent local authority is still unclear. There is a need for a clear process road map which demonstrates how local, regional, and central government contribute to the future resource management system. Not enough detail has been provided around process and the weighting of documents produced at local government level.

As Council has said previously, we must have a structure where democratically elected local representatives retain the ability to have input into plan making that affects their constituents. Orthodoxy is anybody from any community being able to talk to a Community Board and/or Council, who are local government representatives that are democratically accountable to their communities and are elected to make decisions on their behalf.

National Māori entity

Council considers the establishment of a national Maori entity in the new resource management system problematic, as the framework is addressing a regional environment. While a national Māori identity would provide oversight over systems and processes it would need to delegate true authority to the regional Māori (iwi/hapū) authority(ies). In the FND there are 11 iwi authorities and between 160 and 200 hapū. How is it envisaged that the interests of all these iwi and hapū are accommodated?

Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements

Enhanced Mana Whakahono ā Rohe processes could be enabled and integrated with transfers of powers and joint management agreements through education on the various functions of council about the intent of that particular document, then by streamlining internal processes to suit. It is noted that not all Mana Whakahono ā Rohe arrangements will be the same. It is important that enhanced Mana Whakahono ā Rohe should include all whenua, wai and taonga interests.

Funding in the future system

As mentioned, the Far North District (FND) is vast with a comparatively small rating base. FND has extensive areas of land that has been identified as requiring protection under the RMA as matters of national importance. Further, approximately half of the population is of Māori descent and 17% of all the land in the FND is whenua Māori under Te Ture Whenua Māori Act 1993.

Council considers that the responsibility in terms of funding the proposed functions under the new legislation needs to be fairly apportioned across the nation and not left to a handful of districts to protect. Local authorities are constantly being burdened with directives from central and regional councils that are not accompanied with funding assistance. Our district economically underperforms compared to other regions and New Zealand as a whole. It is vital that we do not end up carrying the environmental

responsibilities and costs for the benefit of the nation or region. Council recommends that a comprehensive funding report is developed so parliament, local government and communities can support and adopt it. A full and frank discussion on the issue is vital to ensure local government contributions are fair and affordable.

As mentioned in Councils original submission, it has been acknowledged by the local government sector that it is already experiencing significant difficulty attracting and retaining the capacity and expertise it needs to carry out its existing resource management functions. Many councils including our own are experiencing ongoing recruitment churn, which has significant time and financial implications.

In terms of tangata whenua, Ngapuhi which is New Zealand's largest iwi, are currently in the pre settlement space and are not resourced to the same level as other iwi groups across the country. This inhibits their ability to meaningfully respond or contribute in the resource management space. Resourcing is also considered in the context of human resource and training.

Summary

Council is thankful for the opportunity to provide further feedback for the NBA and has attempted to the answer the questions asked by the Ministry in the absence of substantive content and detail around the proposed legislative reform.

Yours sincerely



Darren Edwards

General Manager Strategic Planning and Policy

6.4 MANA WHAKAHONO-Ā-ROHE /IWI PARTICIPATION ARRANGEMENT WITH TE RŪNANGA-Ā-IWI-Ō-NGĀPUHI

File Number: A3666679

Author: Greg Wilson, Manager - District Planning

Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to raise awareness and inform the Strategy and Policy Committee that Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi have initiated a Mana Whakahono-ā-Rohe/Iwi Participation Arrangement with Far North District Council (Council). We will also provide an update of the progress of the arrangement to date.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi formally initiated the Mana Whakahono-ā-Rohe/Iwi Participation Arrangement with Council by letter on 19 August 2021. A formal hui was held 3 November 2021 between Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi CEO Sam Napia, Council's CEO (at the time), Shaun Clarke and General Manager Strategy & Policy, Darren Edwards. In this formal hui, timeframes, resourcing, and the beginnings of a negotiation process were agreed and recorded.

Council has since engaged a consultant to facilitate and draft the Mana Whakahono-ā-Rohe/Iwi Participation Arrangement. The first Draft Mana Whakahono-ā-Rohe was provided to Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi on 7 March 2022.

The Mana Whakahono-ā-Rohe/Iwi Participation Arrangement with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi, presents Council with an opportunity to improve working relationships with tangata whenua and enhance Māori participation in resource management and decision-making processes. Engagement in the process is a statutory requirement for Council under the Resource Management Act 1991.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Mana Whakahono-ā-Rohe /Iwi Participation Arrangement with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi.

TĀHUHU KŌRERO / BACKGROUND

The Resource Management Act (RMA) 1991 was amended in April 2017 to introduce a new process (Mana Whakahono-ā-Rohe/Iwi Participation Arrangements) for establishing iwi participation arrangements between tangata whenua (through iwi authorities) and councils.

The intent of the legislation is to:

- Improve working relationships between tangata whenua and local authorities
- Enhance Māori participation in RMA resource management and decision-making processes

Once a formal Mana Whakahono initiation is made, Council is obliged to respond and conclude the process within 18 months from receipt of the invitation. Mandatory content to be discussed, agreed, and recorded includes the following:

- i. how an iwi authority may participate in the preparation or change of a District Plan;
- ii. how the participating authorities will undertake consultation requirements;
- iii. how the participating authorities will work together to develop and agree on methods for monitoring under the RMA;
- iv. how the participating authorities will give effect to the requirements of any relevant iwi participation legislation;
- v. a process for identifying and managing conflicts of interest; and
- vi. the process that the parties will use for resolving disputes about the implementation of the Mana Whakahono.

Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi formally initiated the Mana Whakahono with Council by letter on 19 August 2021, with a formal hui held 3 November 2021 between Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi CEO, Sam Napia and Council's CEO (at the time), Shaun Clarke and General Manager Strategy & Policy, Darren Edwards. In this formal hui, timeframes, resourcing, and the beginnings of a negotiation process were agreed. In this formal hui, it was agreed that timeframes would be sped up, with a target Mana Whakahono conclusion date of August 2022.

Subsequently, Council have engaged a consultant to facilitate the development, preparation, and an implementation plan of the Mana Whakahono. A project plan and a working draft Mana Whakahono have been prepared and shared with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi on 7 March 2021 as we start the development of the Mana Whakahono content. We are currently across Council to inform the development of the Mana Whakahono arrangement and are engaging directly with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The process presents the opportunity to establish a working relationship with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi, the largest Iwi grouping in Aotearoa New Zealand. Ngāpuhi are made up of approximately 96 hapū, 74 marae, and approximately 125,601 people¹ that whakapapa (genealogically affiliate) to the iwi.

The iwi has not settled, and no mandate has been established to enable the negotiation process. However, the Crown is preparing for settlement and has launched Tupu Tonu, an investment fund valued at \$150m. The purpose of the fund is to identify and acquire assets in preparation of settlement.

The Mana Whakahono will allow Council and Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi to work together on environmental issues as promoted through the RMA, with the intention to enhance Māori participation in resource management and decision-making. As detailed above, the Mana Whakahono-ā-Rohe/Iwi Participation Arrangement process is a statutory relationship tool that Council must respond to it.

The 'must include content' of the Mana Whakahono arrangement is limited to processes established under the RMA (see list above), however, Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi have expressed a desire to include broader relationship protocols. This may include a shared vision, common, guiding principles, and funding/resourcing arrangements.

The Mana Whakahono will formalise engagement procedures for District Plan development, resource consenting, and environmental monitoring. This will provide certainty to Council when undertaking their roles and functions under the RMA, as well as establishing communication lines for the community when undertaking development within the Ngāpuhi rohe (area).

Additionally, the Mana Whakahono arrangement will support Council in upholding their responsibilities under Te Tiriti o Waitangi / Treaty of Waitangi. Several risks have been identified, particularly as it relates to Council's ability to implement the outcomes of the arrangement within the agreed or statutory timeframe, and whether there is sufficient resource available to support implementation.

We will be meeting with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi at the end of April to confirm the negotiation process, agree milestones, and establish review/feedback procedures. This will ultimately determine the next steps and whether the August 2022 timeframes can be maintained.

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

There will be short to medium term financial implications to support the implementation of the Mana Whakahono-ā-Rohe/Iwi Participation Arrangement. Budgetary considerations need to factor in changes to Council standard operating practices, as well as supporting Te Rūnanga-Ā-Iwi-Ō-

¹ NZ Census 2018

Ngāpuhi to build capacity and capability. Council will need review current budget lines as well planning financially in Annual and Long-Term Plans.

ĀPITI HANGA / ATTACHMENTS

Nil

6.5 COMPLETION OF THE DRAFT DISTRICT PLAN AND TIMETABLE FOR NOTIFICATION**File Number: A3669269****Author: Greg Wilson, Manager - District Planning****Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To inform elected members of outstanding matters necessary to resolve prior to seeking elected member authorisation for notification of the Proposed Far North District Plan 2022.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

Council is completing a full review the Operative Far North District Plan 2009 (District Plan) and a draft District Plan was made available for community feedback in March 2021. The draft plan has been developed to achieve sustainable management of natural and physical resources through balancing enabling provisions with relevant protection and management methods.

Staff reported on a proposed timeframe for authorisation of plan notification to the November 2021 Strategy and Policy Committee meeting. The proposed schedule identified a May 2022 date to seek authorisation for plan notification, based on the completion of several tasks. Whilst most of these matters have been addressed, the conclusion of Iwi Authority consultation continues. This important element of plan consultation is still occurring, and any advice received is being incorporated into plan provisions where appropriate.

All advice received is detailed in the relevant section 32 reports, to explain what was sought and how Council responded. The completion of this process means that authorisation for plan notification will be sought in the June 2022 Strategy and Policy Meeting.

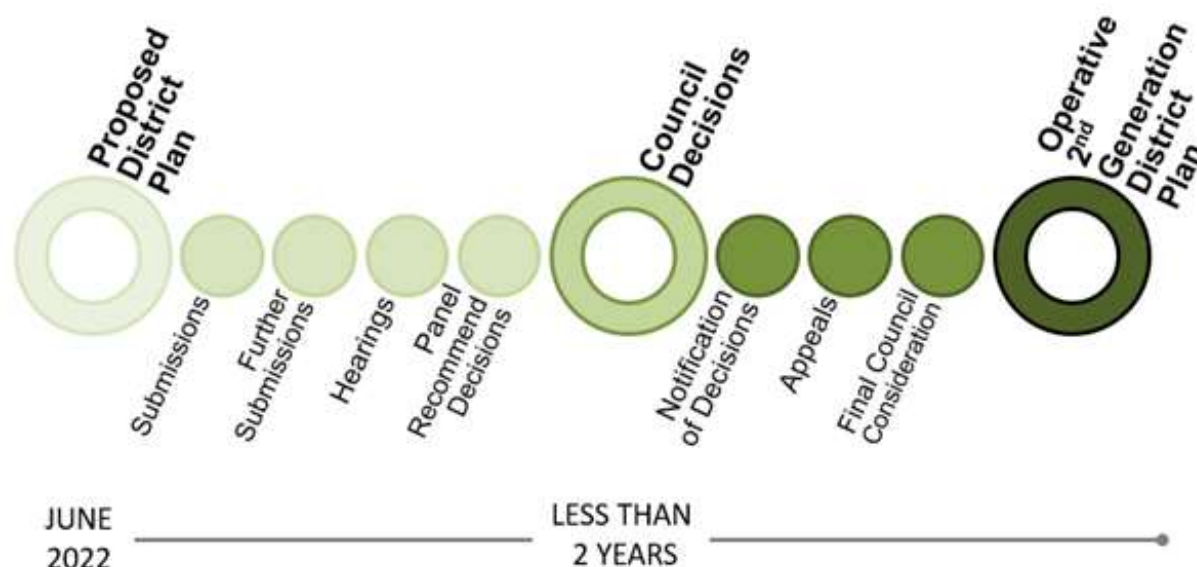
TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Completion of the Draft District Plan and Timetable for Notification

TĀHUHU KŌRERO / BACKGROUND

1. A consolidated review of the District Plan is being undertaken to align with a range of national and regional directions that have direct implications for Far North communities. The District Plan is being authored in accordance with new national planning standards, changing the structure of the plan and incorporating mandatory content.
2. The District Plan must also play a role in representing a new strategic direction for the district. The plan's ten-year lifespan must bring together strands from Council's long term strategic direction that is represented in FN2100 whilst demonstrating how we can meet our statutory requirements to ensure that the supply of zoned land and infrastructure meets the district's expected demands for housing and business land.
3. The draft District Plan has been in development since 2016, with the most recent edition released for public, stakeholder and tangata-whenua feedback in March 2021. Engagement has been undertaken with Far North communities in two previous iterations, both in 2016 and 2018/2019 including a series of roadshows and information sessions in key locations.
4. The most recent iteration, including the provision of maps and full draft plan text, is an extension on the previous engagement. Inclusion of spatial planning elements including maps containing zones and resource overlays represents a much more specific level of detail. It does however develop on the policy framework progressed through the previous engagement.

5. The District Plan Team reported on the progress and ongoing engagement on the making of the new plan in November 2021. Since that time, evaluation of the draft plan has continued including the progression of the following matters:
 - Analysis and integration of new Region Wide Coastal and River Flood Hazard Maps
 - Evaluation of flood hazard risk in Waipapa utilising the new Region Wide River Flood Hazard Maps
 - Evaluation of feedback on draft Heritage Areas and direction setting with elected member input on next steps
 - Continuation of iwi engagement, in accordance with the consultation requirements of Clause 3B and Clause 4 of Schedule 1 of the Resource Management Act 1991 (RMA)
 - Updating of section 32 reporting to reflect the outcomes of iwi engagement and public feedback
 - Integration of plan content in the e-plan format
6. These processes have been further developed and integrated within the proposed plan provisions and section 32 reporting. The process of iwi engagement, including consultation with iwi authorities has also progressed but had not been completed. Several iwi authorities remain active in responding on the draft plan. In addition to this on August 2021, Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi have initiated a Mana Whakahono-ā-Rohe / Iwi Participation Arrangement with Far North District Council, which will create new and more integrated resource management processes involving Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi, whilst strengthening the relationship with country's largest iwi authority.
7. These processes have been further developed and integrated within the proposed plan provisions and section 32 reporting. The process of iwi engagement, including consultation with iwi authorities has also progressed but had not been completed. A number of iwi authorities remain active in responding the draft plan. In addition, Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi have initiated a Mana Whakahono-ā-Rohe /Iwi Participation Arrangement with Far North District Council in August 2021, which will create new and more integrated resource management processes involving Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi, whilst strengthening the relationship with country's largest iwi authority.
8. Section 32(a) of the RMA requires that Council summarise all provided by iwi authorities as well as summarise the response to all advice in Council's section evaluation report. Discussions with a number of iwi authorities are continuing, and further plan evaluation and integration will be required prior to finalising the proposed plan and associated reporting.
9. The timeline set out below summarise the process and key steps and dates for plan development upon notification.



MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

1. Several elected member workshops and briefing sessions have been conducted in first quarter of 2022 to bring to elected members appropriate information, options, and recommendations to achieve sustainable management outcomes through the district plan.
2. Discussions will continue with elected members as the proposed plan continues along the path seeking elected member authorisation for public notification.
3. The premise of the approach is to ensure that there are several check points to allow elected members to be fully aware of issues raised by the relevant tangata-whenua parties and Far North communities and to ensure that staff can provide analysis and evaluation of the feedback, consistent with our statutory role, to allow elected members to make informed decisions on the direction of the proposed plan.
4. Quality assurance, technical integrity and e-plan integration will continue to occur as elected member direction setting takes place.
5. A final version of the proposed plan will be brought to the June 14, 2022, Strategy and Policy meeting for elected member authorisation for notification to occur in June 2020.
6. Discussions, support, and guidance with other Council Departments impacted by plan implementation will continue with a view to ensure that efficient processing of resource consents, Land information Memorandum, Project Information Memorandum and RMA monitoring can be achieved post notification.

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

Council has a legal obligation to have a district plan and review that plan. Ongoing engagement, refinement of plan content and notification of the plan and associated statutory processes will continue to draw on staff resource and allocated budget for district plan processes, including the use of external specialists.

There may be relevant matters that fall outside of the current version of the plan, that must be given regard to under the RMA, such as new highly productive land and biodiversity provisions in national direction instruments.

ĀPITI HANGA / ATTACHMENTS

Nil

6.6 BI-ANNUAL SPORT NORTHLAND REPORT - 1 JULY 2021 TO 30 DECEMBER 2021**File Number:** A3675344**Author:** Sheryl Gavin, Manager - Corporate Planning & Community Development**Authoriser:** Darren Edwards, General Manager - Strategic Planning and Policy**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To receive Sport Northland's report on its activities and achievements in the Far North District for the period 1 July 2021 to 30 December 2021.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Sport Northland spends approximately \$1.1m annually providing a programme of play, active recreation, and sport in the Far North.

Council helps to fund these activities by way of an annual grant. In 2021-22 \$151,500 was provided. The total granted is adjusted annually to accommodate inflation. For 2022-23 the allocation is \$156,335. Council's contribution covers about 14% of the actual total cost, with the balance provided by other parties including Sport NZ, Foundation North, Oxford Sports Trust, local sponsors, other funders, and user pays.

The partnership agreement between Council and Sport Northland obliges Sport Northland to report on its activities every six months. Attached is the report for the period 1 July 2021 to 30 December 2021.

Sport Northland representatives will address the Committee to present their report, answer questions, and talk through their refreshed strategic plan as it pertains to sport in Taitokerau and post-pandemic recovery.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Bi-Annual Sport Northland Report - 1 July 2021 to 30 December 2021.

TĀHUHU KŌRERO / BACKGROUND

Council's annual grant to Sport Northland is an essential component of the \$1.1m that is spent on a professionally run programme of sport, recreation, and physical activities in the Far North.

The partnership agreement between Council and Sport Northland obliges the latter to provide a bi-annual report outlining activities and achievements.

While these reports have always been furnished as required, they have not always been made available to Council. There is no obvious reason for this inconsistency. In future, however, reports will be brought to the Strategy and Policy Committee to ensure that the partnership's achievements toward important community wellbeing outcomes remain front of mind.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Highlights in for the 1 July – 31 December 2021 period are:

- Delivery of the 24th year of the Top Energy WaterSafe programme reaching almost 50 schools with dry land and water-based sessions;
- Funding two Community Connectors dedicated to local play, active recreation, and sports – one in the Far North and one in the Mid North.
- Continuation of the Healthy Active Learning programme, supporting 55 schools and kura to deliver PE/physical activity/ play and sport, and to support healthier food and drink environments.

- A successful Summit Forests Kaitia Trail Run/Walk event that attracted 388 participants.
- An ongoing range of community focused services designed to increase participation, including Green Prescription, Active Workplaces, and Strength and Balance.
- Continued involvement with the Bay of Islands Recreation Centre, Kaikohe and Districts Sportville at Lindvart Park, and the Te Hiku Sports Hub project.
- Implementation of the Whaiao team to support increased outcomes for Māori through play, active recreation and sport in a way that is culturally appropriate to Māori.
- Development of young talent through the Kauri Club.
- \$266,601 in Tu Manawa Active Aotearoa funding for 23 organisations in the Far North, including \$25,000 in Rural Travel funding.

Sport Northland acknowledges the significant impact on their mahi by way of alert-level restrictions and reduced opportunities to carry on business as usual and has remained as agile as possible to lend a hand in pandemic-related activities such as working with sports clubs to hold vaccination events where the need and value-add was evident.

The impact of Covid on their facilities has been substantial, and the regeneration of cash reserves will likely take some time to recover. However, confidence is on the improve now that restrictions have eased, and sporting events can resume. Note that events that could not proceed under past restrictions were deferred rather than cancelled, so we should see the revival of a strong sports event programme restored over time over the next few reporting periods as we move beyond the pandemic.

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

There are no unbudgeted financial implications. The Sport Northland grant remains locked into Annual Plans spanning the period of the partnership agreement.

ĀPITI HANGA / ATTACHMENTS

Nil

6.7 STRATEGY AND POLICY ACTION SHEET UPDATE APRIL 2022**File Number:** A3675231**Author:** Joshna Panday, Democracy Advisor**Authoriser:** Aisha Huriwai, Team Leader Democracy Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

To provide the Strategy and Policy Committee with an overview of outstanding decisions from 1 January 2020.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Action sheets provide the meeting with oversight of decisions not yet implemented.
- This report and attachment are as at April 2022.
- There are 4 outstanding action sheet items.
- A verbal update on the Action Sheet items will be provided at the meeting at the request of the committee members.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Action Sheet Update for April 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 are a mechanism to communicate with elected members, progress by staff on implementing resolutions of a formal meeting.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

This report includes 13 outstanding items. A majority of 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.

Staff are encouraged to provide commentary that keeps in mind

- Consistent wording indicating a traffic light, on track off track terminology.
- The date and promise culture that the organisation strives for.

Take Tūtohunga / Reason for the recommendation

To provide the Strategy and Policy Committee with an overview of outstanding committee decisions from 1 January 2020.

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

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

ĀPITIHINGA / ATTACHMENTS

1. **SPC Action Sheet - May 2022 - A3683375**  

OUTSTANDING ACTIONS REPORT			
Division: Committee: Strategy and Policy Committee Officer:		Printed: Tuesday, 19 April 2022 3:34:10 PM Date From: 1/01/2020 Date To: 19/04/2022	
Meeting	Title	Resolution	Notes
Strategy and Policy Committee 15/06/2021	Speed Limit Bylaw Review Statement of Proposal	RESOLUTION 2021/22 Moved: Cr Kelly Stratford Seconded: Cr Felicity Foy That the Strategy and Policy Committee: a) adopt the attached "Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019" for consultation. b) agrees to undertake consultation on the proposed changes to speed limits set out in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002. c) confirms that the submission period will last for a period of six weeks from 29 th June 2021 to 10 th August 2021. d) authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the attached Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication. CARRIED	15 Feb 2022 4:18pm Andersen, Gayle Analysis of submissions is currently underway by NTA
Strategy and Policy Committee 19/10/2021	Naming Policy Proposal	RESOLUTION 2021/38 Moved: Chair Rachel Smith Seconded: Cr Moko Tepania That the Strategy and Policy Committee recommend that Council agree to develop a new Naming Policy for roads, open spaces, and Council facilities. CARRIED	15 Feb 2022 4:33pm Andersen, Gayle Drafting of policy is underway
Strategy and Policy Committee 8/02/2022	Parks and Reserves Policy Development	RESOLUTION 2022/4 Moved: Deputy Mayor Ann Court Seconded: Cr Kelly Stratford	18 Feb 2022 2:38pm Baker, Ross Under investigation 19 Apr 2022 3:18pm Baker, Marlema A Parks and Reserves Development Report will be presented to the SPC at the May 2022 meeting

OUTSTANDING ACTIONS REPORT			
Division: Committee: Strategy and Policy Committee Officer:		Printed: Tuesday, 19 April 2022 3:34:10 PM Date From: 1/01/2020 Date To: 19/04/2022	
Meeting	Title	Resolution	Notes
		<p>That the report Parks and Reserves Policy Development be left to lie on the table to enable staff to consider a reduction to the use of herbicides be captured in the policy.</p> <p style="text-align: right;">CARRIED</p>	
Strategy and Policy Committee 8/02/2022	Easter Sunday Trading Policy	<p>RESOLUTION 2022/6 Moved: Chair Rachel Smith Seconded: Deputy Mayor Ann Court That the Strategy and Policy Committee recommends that Council approve, pursuant to section 5A of the Shop Trading Hours Act 1990, a new Easter Sunday Trading Policy be developed allowing shops to open on Easter Sunday across the whole of the Far North District.</p> <p style="text-align: right;">CARRIED</p>	<p>15 Feb 2022 4:28pm Andersen, Gayle Drafting of policy is underway 19 Apr 2022 1:26pm Baker, Marlema Donald Sheppard has prepared a report on the adoption of a Statement of Proposal for public consultation on an Easter Sunday Trading Policy in the May 2022 SPP agenda.</p>

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE