



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Regulatory Compliance Committee Meeting

Tuesday, 7 June 2022

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

Membership:

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

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

Purpose

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

The Committee will have functional responsibility for the following aspects:

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

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

Delegations

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

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

Power to Delegate

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

Membership

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

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

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

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

The Committee membership for each hearing shall be appointed by the Chairperson of the Regulatory Compliance Committee together with the Chief Executive and will normally comprise the core Regulatory Compliance Committee members.

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

Mayor Carter

Kelly Stratford – Chairperson

Dave Collard – Deputy Chairperson

John Vujcich

Rachel Smith

David Clendon

Ann Court

Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

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

Quorum - Committee

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

Frequency of Meetings

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

Committees Responsibilities

The Committees responsibilities are described below:

Hearings, Objections and Appeals

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

Regulatory Activities

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

Policies and Bylaws

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

Compliance

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

Mana Whakahono-ā-Rohe (Mana Whakahono)

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

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

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

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

Public Works Act 1981

Public work requirements.

Local Government Act 2002

Objections against the construction of public works on private land.

Local Government Act 1974

Objections and appeals to road stopping proposals.

Fencing of Swimming Pools Act 1987

Applications for exemption, waiver or compliance.

Delegated decisions

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

Dog Control Act 1996

Objections.

Gambling Act 2003, Health Act 1956 and Building Act 2004

Hearings, objections and related matters.

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

Rules and Procedures

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

Annual reporting

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

REGULATORY COMPLIANCE COMMITTEE - MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Kelly Stratford (Chair)	KS Bookkeeping and Administration	Business Owner, provides bookkeeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	He Puna Aroha Putea Whakapapa	Trustee	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Kawakawa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds
	Whangaroa Returned Services Association	Member	May be perceived conflicts	Should conflict arise, step aside from voting should they apply for funds

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	National Emergency Management Advisor Committee	Member		Case by case basis
	Te Rūnanga ā Iwi o Ngāpuhi	Tribal affiliate member	As a descendent of Te Rūnanga ā Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā Iwi o Ngāpuhi Council relations	Declare a perceived conflict should there appear to be one
	Te Rūnanga ā Iwi o Ngāti Hine	Tribal affiliate member	Could have a perceived conflict of interest	Declare a perceived conflict should I determine there is a conflict
	Kawakawa Business and Community Association	Member		Will declare a perceived conflict should there appear to be one
Kelly Stratford - Partner	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest, I would step aside from decision making
David Collard (Deputy Chair)	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
David Clendon	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	District Licensing	N/A	N/A	N/A
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
Rachel Smith	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
	Vision Kerikeri	Financial Member		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Kerikeri Cruising Club	Subscription Member and Treasurer		
	Vision Kerikeri	Financial Member		
	Town and General Groundcare Limited	Director, Shareholder		
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
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
Regulatory Compliance Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 7 June 2022 at 9:30am

Te Paeroa Mahi / Order of Business

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 NGA WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

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

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

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

3 TE TONO KŌRERO / DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3713613

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

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

RECOMMENDATION

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 26 April 2022 are a true and correct record.

1) BACKGROUND

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

2) DISCUSSION AND OPTIONS

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

Reason for the recommendation

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

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

ATTACHMENTS

- 1. 2022-04-26 Regulatory Compliance Committee Minutes - A3680759**  

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.

Regulatory Compliance Committee Meeting Minutes - **UNCONFIRMED**

26 April 2022

**MINUTES OF FAR NORTH DISTRICT COUNCIL
REGULATORY COMPLIANCE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 26 APRIL 2022 AT 9:31 AM**

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

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

STAFF PRESENT: Rochelle Deane, Trent Blakeman, Joshna Panday, Marlema Baker.

1 KARAKIA TIMATANGA – OPENING PRAYER

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

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

Apologies were received from His Worship the Mayor and Cr Rachel Smith.

3 NGĀ TONO KŌRERO / DEPUTATION

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3669766, pages 14 - 15 refers

RESOLUTION 2022/7

Moved: Member Belinda Ward

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 15 March 2022 are a true and correct record.

CARRIED

5 INFORMATION REPORTS

5.1 BUILDING COMPLIANCE UPDATE (TERRITORIAL AUTHORITY)

Agenda item 5.5 document number A3669730, pages 97 - 99 refers

RESOLUTION 2022/8

Moved: Chairperson Kelly Stratford

Seconded: Cr Dave Collard

That the Regulatory Compliance Committee receive the report Building Compliance Update

Page 1

Regulatory Compliance Committee Meeting Minutes - **UNCONFIRMED**

26 April 2022

(Territorial Authority).**CARRIED***Note:**Deputy Mayor Ann Court, Councillors Smith and Collard volunteered to work with the CEO to link in to Strategy and Policy.***5.2 NOISE CONTROL AND PARKING ENFORCEMENT UPDATE**

Agenda item 5.1 document number A3653116, pages 19 - 26 refers

RESOLUTION 2022/9

Moved: Chairperson Kelly Stratford

Seconded: Deputy Mayor Ann Court

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

At 10:20 am, Chairperson Kelly Stratford left the meeting and Deputy Chair Dave Collard assumed the Chair in her absence.

At 10:22 am, Chairperson Kelly Stratford returned to the meeting and resumed chairing the meeting.

5.3 ANIMAL SHELTER UPDATE

Agenda item 5.2 document number A3653745, pages 37 - 39 refers

RESOLUTION 2022/10

Moved: Member Belinda Ward

Seconded: Deputy Mayor Ann Court

That the Regulatory Compliance Committee receive the report Animal Shelter Update.**CARRIED****5.4 FNDC DOG MANAGEMENT BYLAW 2018**

Agenda item 5.3 document number A3653772, pages 40 - 42 refers

RESOLUTION 2022/11

Moved: Deputy Mayor Ann Court

Seconded: Cr Dave Collard

That the Regulatory Compliance Committee receive the report FNDC Dog Management Bylaw 2018.**CARRIED***Note:**Letter from Troy Churton read by Chair Stratford and a copy tabled at this meeting. Letter of response to be sent to Mr Churton.*

5.5 DISTRICT SERVICES MONTHLY BUSINESS REPORT FOR FEBRUARY 2022

Agenda item 5.4 document number A3662724, pages 45 - 45 refers

RESOLUTION 2022/12

Moved: Deputy Mayor Ann Court

Seconded: Cr Dave Collard

That the Regulatory Compliance Committee receive the report District Services Monthly Business Report for February 2022.**CARRIED****5.6 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE APRIL 2022**

Agenda item 5.6 document number A3670055, pages 100 - 100 refers

RESOLUTION 2022/13

Moved: Deputy Mayor Ann Court

Seconded: Member Belinda Ward

That the Regulatory Compliance Committee receive the report Action Sheet Update April 2022.**CARRIED****6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Chair Kelly Stratford closed the meeting with a karakia.

7 TE KAPINGA HUI / MEETING CLOSE**The meeting closed at 11:27 am.****The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting held on 7 June 2022.**.....
CHAIRPERSON

5 INFORMATION REPORTS

5.1 ALCOHOL LICENSING UPDATE

File Number: A3703685

Author: Rochelle Deane, Manager - Environmental Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To report to the Committee on:

- The number of alcohol licenses issued.
- The number of renewed licenses.
- The number of objections received and their outcomes.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

This report is an update on alcohol licensing activities in the district between 1 November 2021 and 30 April 2022, the period since the last Committee Report.

There continues to be a significant drop in the number of special alcohol licences received. A special licence is required for ticketed events like festivals, concerts, and sporting events where alcohol is included in the ticket price or sold at a bar. The reduction in these types of events is expected due to the uncertainty of Covid restrictions.

During this report period there have been 20 objections received against one application. This application will be heard at a DLC hearing yet to be scheduled.

TŪTOHUNGA / RECOMMENDATION

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

TĀHUHU KŌRERO / BACKGROUND

There are four kinds of alcohol licence that can be applied for and issued.

- **On-licence** – this licence is held for a premise where the licensee can sell and supply alcohol for consumption there and can allow people to consume alcohol. Some on-licence premises also have a BYO endorsement
- **Off-licence** - this licence is held for a premise where the licensee can sell consumption elsewhere. Some off-licence premises have a “sale for delivery and sales at distance” endorsement where they can sell alcohol on or from the premises and deliver it somewhere else
- **Club licence** - this licence is held for a premise where the licensee can only sell and supply alcohol to authorised customers (member or visitor of member of the club) for consumption there
- **Special licence** – A special licence is applied for when the premises does not hold an alcohol licence or when the licensee would like to extend their licensed area or licensed hours for an event(s). There are two kinds of special licences - an on-site and off-site special licence.

A licensee is required to renew their license:

- Annually for a licence that has not been renewed before; or
- Every three years for a licence that has been renewed before.

Managers Certificates

Except for BYO restaurants, all on-, off- and club- licensed premises must appoint a manager who holds a manager’s certificate.

The manager must be on duty when alcohol is sold. There are exceptions to this for BYO licenses, club licences, remote sellers, and off-licence cellar door sales where there is no licence condition to require it.

The Manager's name must be prominently always displayed inside the premises while on duty.

The manager is responsible for the compliance with the conditions of the licence and provisions of the Sale and Supply of Alcohol Act 2012, which include ensuring the safe and responsible sale and supply of alcohol and minimising alcohol-related harm.

The holder of a Manager's Certificate is required to renew their certificate:

- Annually for a certificate that has not been renewed before, or
- Every three years for a certificate that has been renewed before.

District Licensing Committee (DLC)

Each territorial authority must appoint a DLC to manage licensing matters within its district under the Sale and Supply of Alcohol Act 2012 (the Act).

Within their local areas, DLCs decide applications for:

- new and renewal applications for on-, off- and club licences.
- special licences.
- new and renewal applications for manager's certificates.
- opposed acting or temporary appointments of managers.
- variation of licence conditions.
- temporary authorities and temporary licences.
- orders to vary, revoke, suspend or cancel a special licence.

A DLC is made up of a chair and two members who have terms of office up to five years.

The quorum for a DLC meeting is three members, except when licence or manager's certificate applications have no objections or matters raised in opposition. In these instances, the Chair can form a quorum of one.

A DLC hearing is held where there is public or agency objections to an application.

A DLC considers the application, agency reports, evidence and submissions presented to it against the criteria in the Act and any relevant case law. It then objectively determines facts and draws conclusions from them to make its decision.

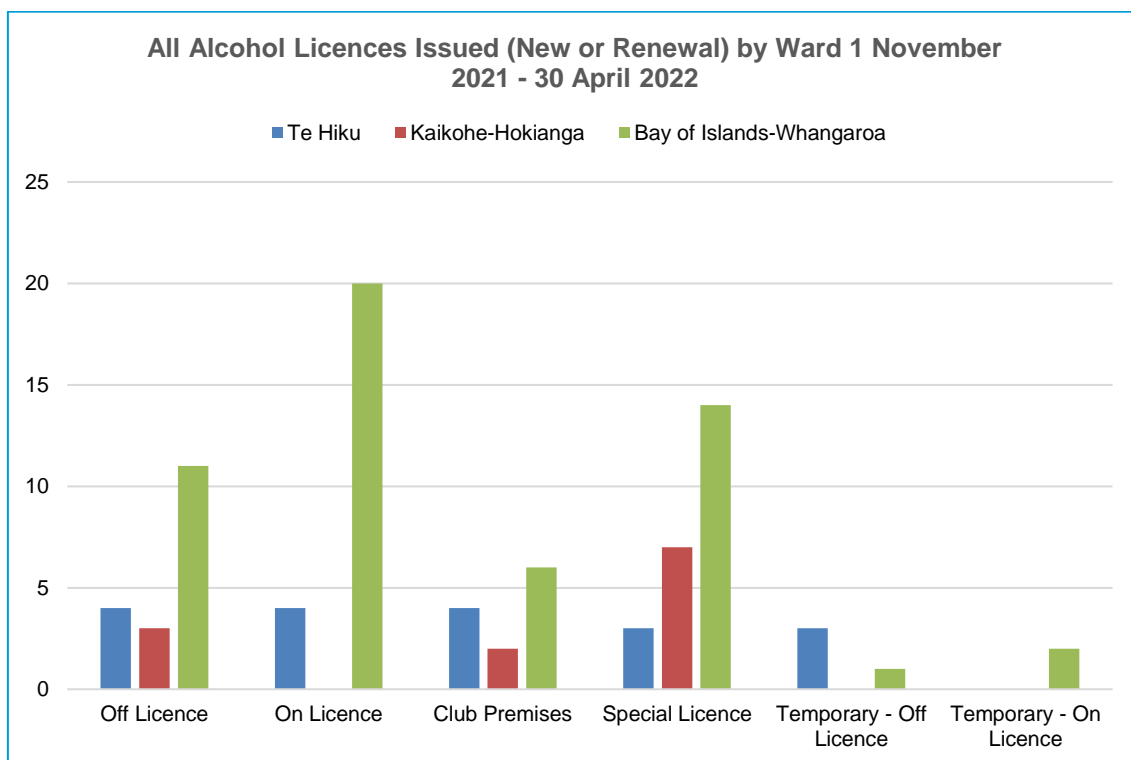
MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Number of Alcohol Licences Issued.

For the period 1 November 2021 to 31 April 2022 there has been a total of 84 alcohol licenses issued. This is 53 less licenses than for the same period last year. This reduction is largely due to fewer special licences issued because of covid uncertainty.

The following table includes all new and renewed licenses issued by Ward during this period:

Ward	Off Licence	On Licence	Club Premises	Special Licence	Temporary Off Licence	Temporary On Licence	Total
Te Hiku	4	4	4	3	3	0	18
Kaikohe-Hokianga	3	0	2	7	0	0	12
BOI-Whangaroa	11	20	6	14	1	2	54
Total	18	24	12	24	4	2	84



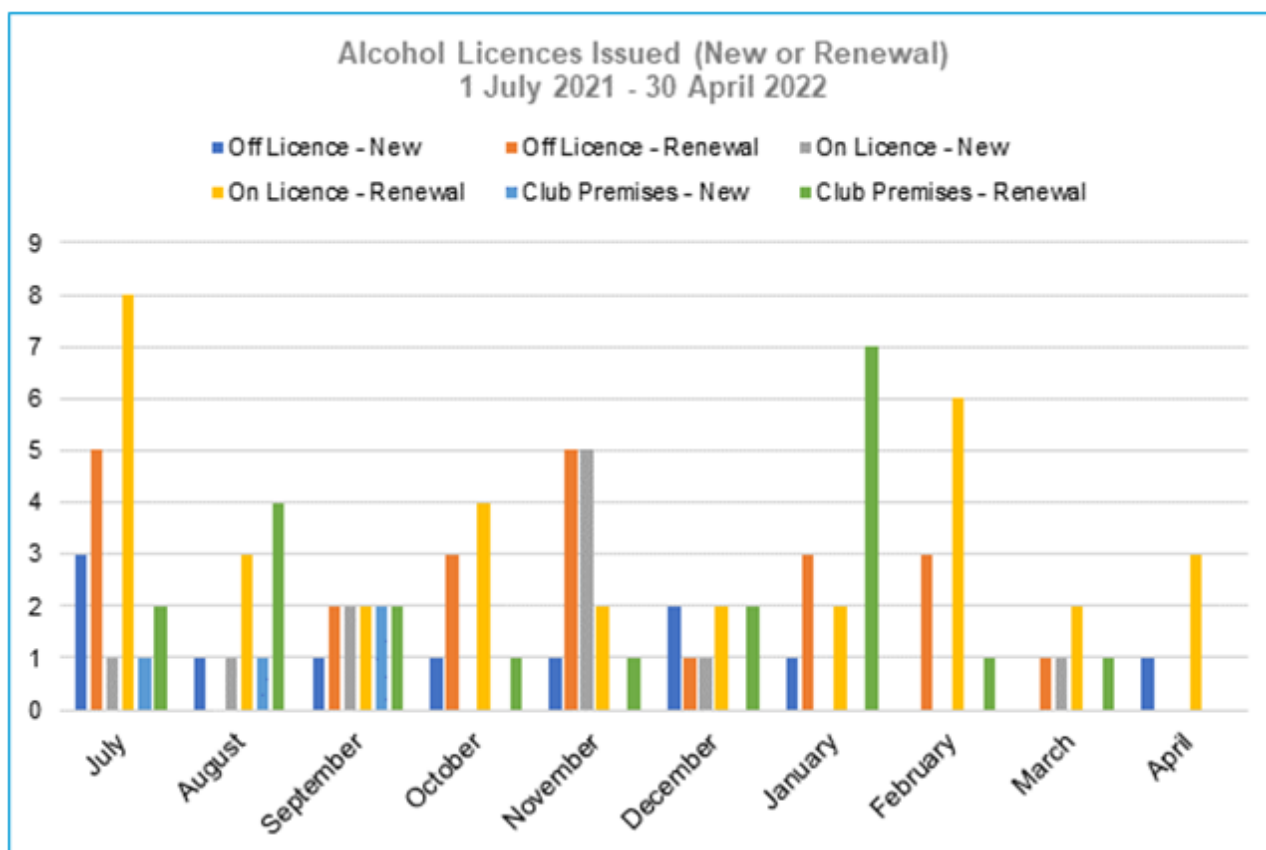
Special Licenses

A total of 24 Special Licenses were applied for and issued between 1 November 2021 – 30 April 2022 compared to 57 for the same period last year. This is due to the uncertainty in being able to hold events and the COVID19 restrictions for events.

New and Renewed Licenses

The following information includes all new and renewed licenses that have been issued (by type and by month). It does not include the special licenses or temporary licences as they are not able to be renewed. There have been 54 new or renewed licences compared to 62 for the same period last year.

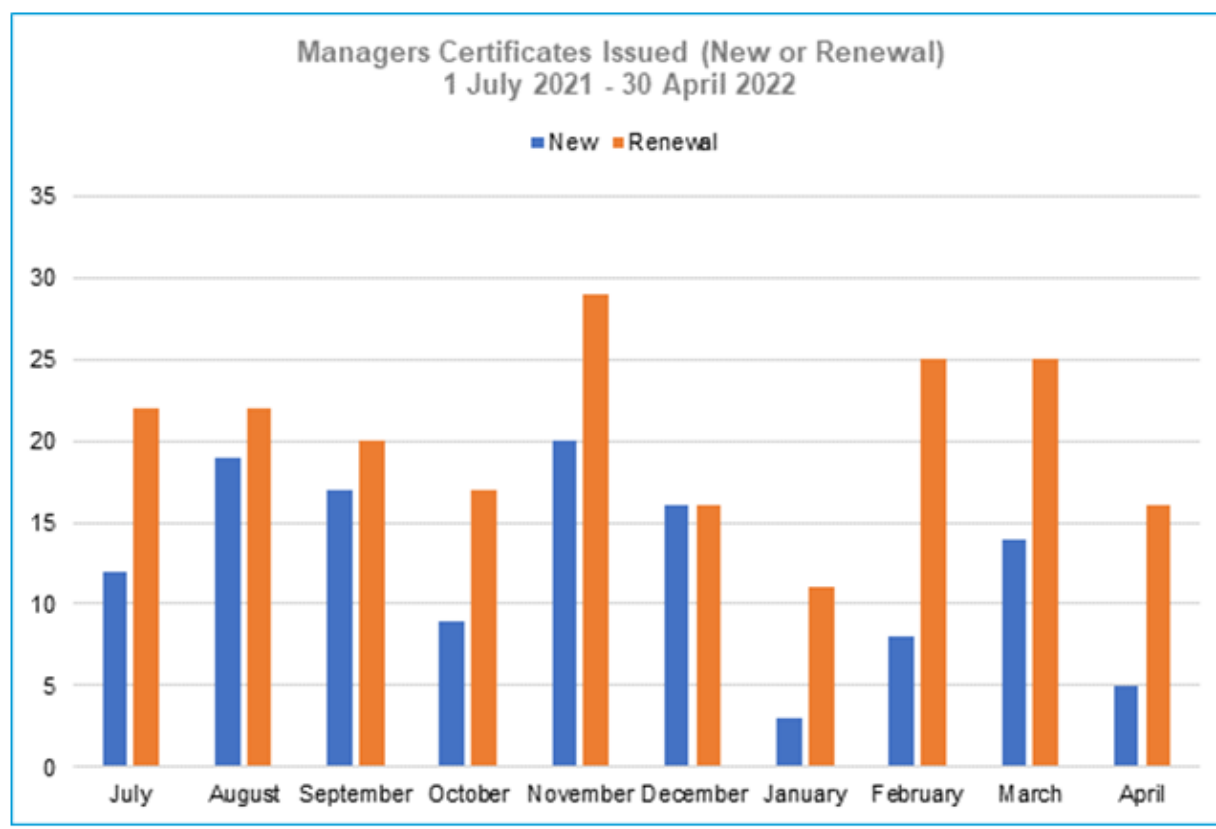
Month	Off Licence New	Off Licence Renewal	On Licence New	On Licence Renewal	Club Premises New	Club Premises Renewal	Total
November 2021	1	5	5	2	0	1	14
December 2021	2	1	1	2	0	2	8
January 2022	1	3	0	2	0	7	10
February 2022	0	3	0	6	0	1	13
March 2022	0	1	1	2	0	1	5
April 2022	0	1	0	3	0	0	4
Total	4	14	7	17	0	12	54



Managers Certificates (new / renewed)

For the period 1 November 2021 – 30 April 2022, a total of 188 Managers Certificates were issued compared to 157 for the same period last year. Of the Managers Certificates issued, 66 were new certificates and 122 were renewals.

Month	New	Renewal	Total
November 2021	20	29	49
December 2021	16	16	32
January 2022	3	11	14
February 2022	8	25	33
March 2022	14	25	39
April 2022	5	16	21
Total	66	122	188



Objections

During the period of 1 November 2021 – 30 April 2022, 20 objections were received against one application.

The objections received are explained in the following table:

Application Date	Application Type	Trading Name	Number of Objections	Outcome
11 March 2022	New OFF Licence	Waipapa Liquor Store	<p>Twenty public objections – objecting due to the following reasons:</p> <ul style="list-style-type: none"> • object of the Act • days and hours during which the applicant proposes to sell alcohol • design and layout of the proposed premises • amenity and good order • appropriate systems, staff and training to comply with the law <p>Reports as required by section 103 of the Act, are still to be filed by the NZ Police and Medical Officer of Health – both of these reporting agencies have invoked the “Immediate Modification Order” which allows for an extension to the time they have to file a report on the application. Once these</p>	Due to the high number of objections received against this application, the application will be heard at a DLC hearing which will be scheduled in due course.

			reports are received, the Inspector will complete their report and the application will be sent to the DLC for determination.	
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Hearings

The District Licensing Committee (DLC) can consider applications in a public hearing where they have been opposed or unopposed. There have been no DLC hearings between 1 November 2021 – 30 April 2022.

Alcohol Licensing Newsletter

The Environmental Health team has now successfully published and distributed two quarterly alcohol licensing newsletters. The newsletters are emailed out to licensed premises and placed on the FNDC website. The first “Summer 2021/2022” edition was published on 18 November 2021 and the “Autumn 2022” edition was published on 5 April 2022. The “Winter 2022” edition is due for publication in June 2022.

The purpose of the newsletters is to circulate important information or messages in relation to alcohol licensing requirements or practices. A copy of the “Autumn 2022” edition is attached to this report. Refer Attachment A.

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

There are no financial implications with this report.

ĀPITI HANGA / ATTACHMENTS

1. Attachment A Autumn 2022 Alcohol Licensing Newsletter - A3704377 [↓](#) 



Alcohol licensing tips and reminders

Our autumn newsletter will help you prepare for the new season and ensure everyone keeps having fun in a safe and responsible way.



Autumn holiday trading

The Easter break and Anzac Day are our seasonal public holidays, but are they restricted trading days? To check if you can open, go to www.employment.govt.nz and search for *restricted trading days*. For information about which of these public holidays are restricted trading days, go to the next page.

Understanding application requirements

Make sure you file your alcohol applications on time. Filing requirements are outlined in the [Sale & Supply of Alcohol Act 2012](#). More details are also on the next page.

Training and upskilling your staff

It's important to keep your staff up to date on how to comply with the Sale & Supply of Alcohol Act 2012. An easy way to do this is for them to complete the free online [Servewise](#) learning tool at www.alcohol.org.nz.

Using a public space for alfresco dining

To occupy a public space for alfresco dining you need to obtain Council permission. It's important your alcohol licence covers the alfresco dining area. For application forms, go to our website www.fndc.govt.nz and search for *alfresco dining*.

Make sure your annual fees are paid

Paying your annual fee on time is crucial to avoid having your licence suspended. We do send out reminders. The next page has more details.

Notify us of duty manager changes

Is your Duty Manager register up to date? And have you notified us of any appointments or terminations? If not, your alcohol sales will not be legal and you may be liable for a fine. More information can be found on the next page.

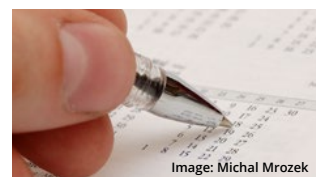
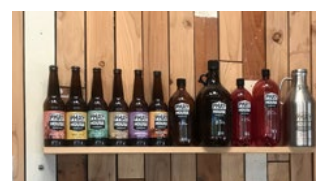
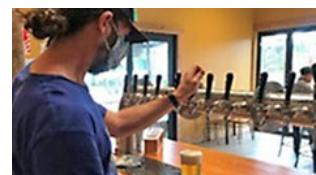
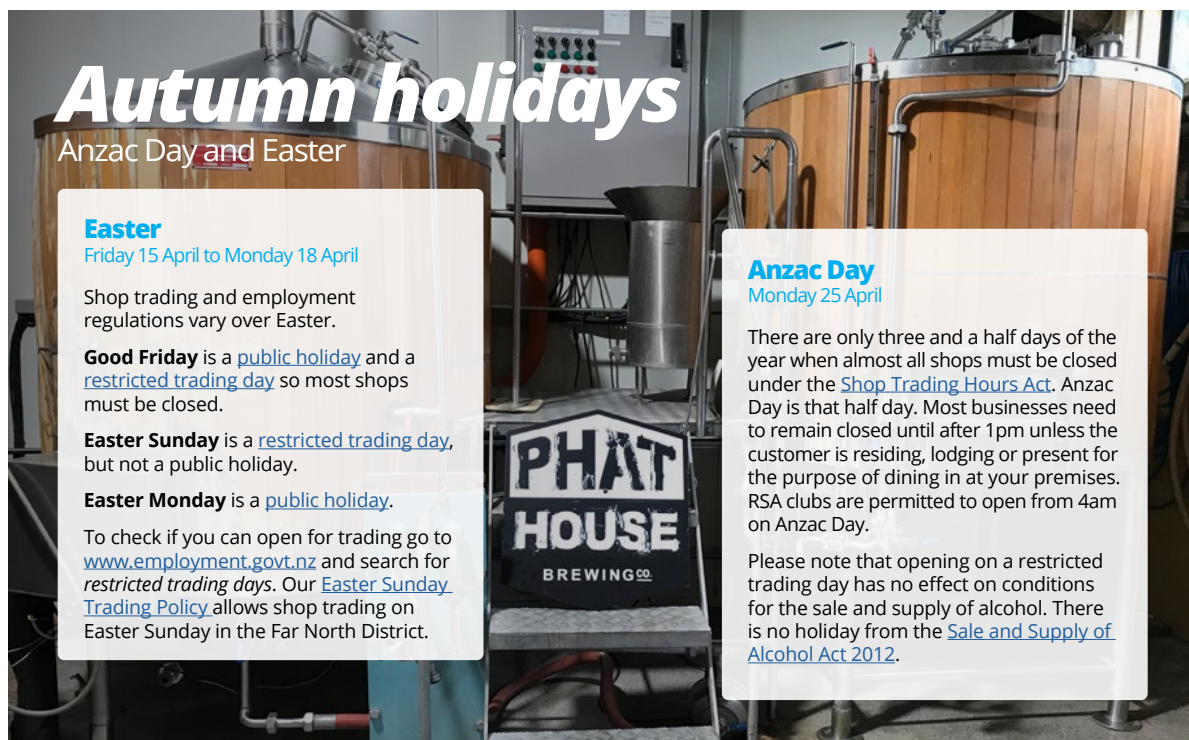


Image: Michal Mrozek



Please keep up to date with the COVID-19 alert level restrictions and any guidelines that may impact your business.

Go to covid19.govt.nz



Autumn holidays

Anzac Day and Easter

Easter

Friday 15 April to Monday 18 April

Shop trading and employment regulations vary over Easter.

Good Friday is a [public holiday](#) and a [restricted trading day](#) so most shops must be closed.

Easter Sunday is a [restricted trading day](#), but not a public holiday.

Easter Monday is a [public holiday](#).

To check if you can open for trading go to www.employment.govt.nz and search for [restricted trading days](#). Our [Easter Sunday Trading Policy](#) allows shop trading on Easter Sunday in the Far North District.

Anzac Day

Monday 25 April

There are only three and a half days of the year when almost all shops must be closed under the [Shop Trading Hours Act](#). Anzac Day is that half day. Most businesses need to remain closed until after 1pm unless the customer is residing, lodging or present for the purpose of dining in at your premises. RSA clubs are permitted to open from 4am on Anzac Day.

Please note that opening on a restricted trading day has no effect on conditions for the sale and supply of alcohol. There is no holiday from the [Sale and Supply of Alcohol Act 2012](#).

Thinking of selling?

If you sell your business, please note that licences are not transferable and the new owner must apply for a [Temporary Authority](#).

This allows the new owner to trade on the existing licence until they file for a new licence for the premises.

Understanding alcohol application requirements

The licensee is responsible for filing applications in time for new licences, renewals, variations or special licences. Filing requirements are outlined in the [Sale and Supply of Alcohol Act 2012](#) (sections 99,127 and 137). Please note a complete application means all sections of the form are filled out correctly and the application fee has been paid.

Renewals must be filed 20 working days before the licence expires – once a licence expires you must apply for a completely new licence. If you file your renewal application in less than 20 working days of expiry, then you must provide a reason why your renewal is late.

Pay your annual fee and avoid suspension

It's important that you pay your annual fee on time to avoid your licence being automatically suspended.

According to current regulations, failure to pay the annual fee within 30 days after the due date results in automatic suspension of the licence.

Contact us if you are going to miss deadline. We may be able to help.

Duty manager appointments

If you appoint a new duty manager or a duty manager leaves any licenced premises you must fill out a [Notice of Management Change](#) form and email a copy to DLG@fndc.govt.nz and the NZ Police at AHROFarnorth@police.govt.nz. The licensee is responsible for formerly appointing all

their duty managers not the staff member who is being appointed. It is important that you keep your Managers Register up to date and it is accessible to staff. It is an offence not to produce the register when requested to by a Council Inspector or a Police Officer otherwise a conviction or fine up to \$2,000 may result.

Any suggestions for our next newsletter?

Email us: ask.us@fndc.govt.nz

You can also visit: www.fndc.govt.nz/Our-Services/Licences-and-permits

5.2 ENVIRONMENTAL HEALTH SERVICES: FOOD LICENSING UPDATE

File Number: A3702183

Author: Rochelle Deane, Manager - Environmental Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update to the committee on Food Licensing in the District, reporting on:

- The number of premises registered
- The number of food verifications completed
- The number of complaints received, and enforcement action taken
- Recognised Agency Assessment
- Impact of COVID-19

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The Far North District Council, as a territorial authority, is deemed a recognised agency under the Food Act 2014 (s137) and is therefore authorised to act as a verification agency (FVA) for template food control plans operating entirely within the Far North District area and where the sales are primarily directly to consumers.

The Food Act 2014 (the Act) aims to ensure that food sold throughout New Zealand is safe. A central feature of this legislation is a sliding scale where businesses that are higher risk, from a food safety point of view, will operate under more stringent food safety requirements than lower-risk food businesses. The Food Act 2014 promotes food safety by focusing on the processes of food production, not the premises where food is made.

This report is an update on food licencing activities in the district, between 1 November 2021 and 30 April 2022, the period since the last Committee report.

TŪTOHUNGA / RECOMMENDATION

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

TĀHUHU KŌRERO / BACKGROUND

Food businesses can fall into two food safety measure groups:

Food Control Plans: Written plans for managing food safety on a day-to-day basis. These are used by higher-risk businesses such as restaurants and cafes.

National Programmes (1-3): A set of food safety rules for medium and low-risk businesses such as dairies or olive growers. Although a written plan is not required, these businesses still need to register, meet food safety standards, keep some records, and be verified.

The purpose of the Food Act 2014 is for verifiers to focus on what is most important for achieving food safety at each type of business. Guidelines for verifiers are aimed at supporting them to use their professional judgement and technical expertise.

The Act introduced a verification-based method to check that food operators conform to procedures outlined in their documented plan or programme. This is different to the previous inspection regime used under the Health (Registration of Premises) Regulations 1966.

FNDC, as a territorial authority, is deemed a recognised agency under s137 of the Act and is therefore authorised to act as a verification agency for template food control plans operating entirely within the Far North district and where the sales are primarily directly to consumers.

There is also a requirement for council to apply for approval from the Ministry of Primary Industries (MPI) to verify certain businesses subject to National Programmes. FNDC currently holds a Notice of Recognition, issued (under delegation) by the Chief Executive of the MPI to verify National Programmes.

MPI has independently assessed staff at the Far North District Council and confirmed technical, legislative, verification and quality management system competencies to provide verification services in the following areas:

Template Food Control Plans (FCP)

Section 39 template food control plans registered by the Far North District Council where the business is only in the Far North District and sells primarily directly to consumers
Section 40 template food control plans with food service or food retail focus as specified in the food notice

National Programme 1 (NP1)

Extract or pack honey
Make sugar molasses, syrups or related products
Sell tea, coffee, hot chocolate, and packaged shelf stable food only
Sell packaged ice creams, ice blocks or similar items only
Store or transport food only

National Programme 2 (NP2)

Manufacture:

Bread, fruit loaves, bagels pita bread etc.
Cereals, biscuits, and crackers
Crisps, popcorn, and other snack foods
Peanut butter, jams, pickles, and chutneys
Confectionery, chocolate, and icing
Ice, iced confectionery and iced desserts
Frozen, dried, or dehydrated fruits and vegetables

Chilled or frozen foods

Service:

Nuts and seeds

Other:

Food at an early childhood education centre (ECE) / Kōhanga Reo

National Programme 3 (NP3)

Brew, distil, manufacture alcoholic beverages (not including wine), vinegar or malt extract
Manufacture non-alcoholic beverages
Manufacture oils or fats (other than butter) for human consumption
Process grain (includes milling, malting rolling and roasting)
Handle food for retail (includes scooping ice cream and reheating manufacture prepared food)
Process herbs or spices (includes loose tea)
Manufacture dry mix products (includes cake mixes, powdered desserts, drinks, flavourings, and soups)

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Food Premises Registered

As of 30 April 2022, FNDC have 482 food premises registered in the district. This is six more premises than reported in the previous Committee report.

Covid related uncertainties and lower visitor numbers does not appear to have had an effect on the number of food businesses registered with the Far North District Council.

Section 48 of the Food Act 2014 requires food business operators subject to operate under a food control plan to register with the appropriate registration authority (Council or MPI).

Section 79 of the Food Act 2014 requires food business operators subject to a national programme to register with the appropriate registration authority (Council or MPI).

A food premise operator is required to renew their registration, where the renewal frequency depends on the type of registration held. Food Control Plans require annual renewals and National Programs require renewal every two years.

The Food Act in Schedule 4, Part 2 (3) states that food businesses can only renew their registration while it is current. Council, as a registration authority can extend the expiry date (Food Act, Section 61(1)(b)) but this can only be done while it is current.

Whilst it is the operator's responsibility to ensure they renew their food registration on time, all Operators are sent a reminder letter approximately six weeks before their registration expires, a courtesy email approximately two weeks before expiry and then a phone call two days before it expires. Operators who fail to renew their food registration on time are required to cease trading and apply for a new food registration.

A breakdown of registered food premises is as follows:

Program	Number of Premises
Template Food Control Plan (FCP)	313
National Program 1 (NP1)	52
National Program 2 (NP2)	39
National Program 3 (NP3)	78

A breakdown of food premise registration type and ward is as follows:

Template Food Control Plan (FCP)

Bay of Islands-Whangaroa Ward	192
Kaikohe-Hokianga Ward	37
Te Hiku Ward	84

National Programme (NP1)

Bay of Islands-Whangaroa Ward	29
Kaikohe-Hokianga Ward	3
Te Hiku Ward	20

National Programme (NP2)

Bay of Islands-Whangaroa Ward	19
Kaikohe-Hokianga Ward	4
Te Hiku Ward	16

National Programme (NP3)

Bay of Islands-Whangaroa Ward	33
Kaikohe-Hokianga Ward	17
Te Hiku Ward	28

Food Verifications

Between 1 November 2021 to 30 April 2022, there have been 166 verifications completed by the Environmental Health Services team. There have been some challenges due to COVID where scheduling of verifications has been affected with operators' availability due to isolating or confirmed cases.

155 of these verifications had an “acceptable outcome” and 11 of these verifications had an “unacceptable outcome”.

If an unacceptable outcome has been achieved from an initial verification or a subsequent verification, the verifier must determine whether the operator is:

- Willing and able to comply
- Unwilling and unable to comply
- There is an immediate risk to public health.

Of the 11 unacceptable outcomes, all operators were willing and able to comply with no immediate risk to public health.

If it is an unacceptable outcome the period between verifications shortens which increases the running costs for an operator.

Acceptable Outcome	Unacceptable Outcome
<ul style="list-style-type: none"> • The operator is complying with all applicable regulatory requirements of the Act. • Corrective action have been or are being applied appropriately and are effective. • The RBM is applicable to the operations of the business. • The RBM is effective. 	<ul style="list-style-type: none"> • There is non-compliance that is likely to result in food being unsafe or unsuitable. • The operator is knowingly operating under an incorrect RBM. • The RBM is ineffective. • The operator's verification plan is failing to identify problems leading to unsafe and unsuitable food. • The operator has failed to identify or address a problem that could lead to critical non-compliance. • The verifier has no confidence in the operation due to the repeated non-compliance or problematic record keeping (absent, incomplete, or altered).

The frequency of verification depends on the type of registration that an operator holds. As an incentive, operators who are compliant with food safety as per their registered FCP or NP, can have the frequency between verifications extended which is a cost saving for the operator.

Food Control Plan

Regulations (Food regulations 87-88)		
Initial verification must be completed by		
	NEW BUSINESSES	EXISTING BUSINESSES
Custom FCP*	Within 3 months of registering	Within 6 months of registering
Template FCP	Within 6 weeks of registering	Within 1 year of registering

Regulations	
Step	Time between different verifications
5	18 months
4	12 months
3	9 months
2	6 months
1	3 months

(Food Regulations 90(1))

National Programme

Regulations (Food regulations 91-93)

Initial verification must be completed by

	NEW BUSINESSES	EXISTING BUSINESSES
NP1	Within 6 weeks of registering	Within 1 year of registering
NP2	Within 6 weeks of registering	Within 1 year of registering
NP3	Within 6 weeks of registering	Within 6 months of registering

Regulations (Food regulations 91-93)

Initial verification must be completed by

	Existing businesses (was operating prior to 1 March 2016)	New businesses (started operating post 29 Feb 2016)
NP1	Within 1 year of registering	Within 6 weeks of registering
NP2	Within 1 year of registering	Within 6 weeks of registering
NP3	Within 6 months of registering	Within 6 weeks of registering

Complaints Received

Between 1 November 2021 and 30 April 2022, there have been 17 complaints received via the FNDC Request for Service platform.

Type of Complaint	Total Number Received
Complaint regarding food premise staff	2
EHO Behaviour	4
Food Poisoning	4
Hygiene of Premises	4
Registration Process	1
Unregistered Operator	2
Total	17

All complaints received are investigated and the appropriate action taken to resolve the issue. The EHS team uses the compliance model called “VADE” – Voluntary, Assisted, Directed, Enforced approach when dealing with compliance issues.

In most instances, the Environmental Health Services team have been able to actively work with the operators to achieve positive outcomes.

The complaints regarding staff behaviour were due to the operator being unsatisfied that the relevant staff member had required them to improve their business operating practices or apply for a food registration and these instructions were responded to by a complaint from the operator.

In April 2021, the food infringement process was introduced in the FNDC Pathway system allowing a Food Safety Officer / Environmental Health Officer (EHO) to serve an infringement notice for any breach or offence under the Food Act 2014.

Since the introduction of the infringement process, a total of six infringements have been issued. All six infringements were served on unregistered operators.

Recognised Agency Remote Surveillance Assessment

In February 2022, FNDC (the Food Verification Agency) underwent a remote surveillance assessment by JAS-ANZ on behalf of MPI to ensure requirements of an Agency were being met. JAS-ANZ recommended that FNDC continues to meet the requirements to be a Recognised Agency to conduct verification services under the Food Act 2014. Refer Attachment A - JAS-ANZ Assessment Findings.

Overall, the assessment was an excellent result for the Food Verification Agency (FVA) and one to be commended.

Two non-conformances were identified, action plans have been developed and accepted to address these and they will be closed out by MPI at the next audit scheduled for January / February 2023.

The non-conformances were:

1. Competency matrix improvements required

The existing competency matrix did not provide detail or evidence to determine upon what basis competency for the various sections is assessed and verified.

The Food Verification Agency (FVA) engaged the services of an external Contractor who reviewed the competency matrix and updated it accordingly. The improved competency matrix was sent back to the JAS-ANZ auditor who has now closed this non-conformity.

2. Onsite peer reviews required

The Auditor identified that no onsite peer reviews have been completed for the three FVA verifiers since their initial external witness by MPI for verification recognition. The FVA does carry out desk top peer reviews every six months; however, the Auditor did request that the verifiers undergo annual onsite peer reviews.

The FVA has engaged the services of an external Contractor who will complete annual onsite peer reviews of the FVA verifiers. Onsite peer reviews are scheduled for June 2022, and we expect this non-conformity to be closed out at the next audit in 2023.

The Impact of COVID

It appears that COVID19 restrictions have not had an impact on the number of registrations held with the Far North District Council, with a slight increase in numbers held over the past six months.

COVID19 has caused disruption to operations of food businesses as well as the FVA. Many registered businesses have faced shortages in staff or the ability to operate due to staff isolating or testing positive with COVID19.

Business Improvements within the Food Business Area

Food Business Newsletters

The Environmental Health team has successfully published and distributed two quarterly food business newsletters. The newsletters are emailed out to registered food operators and placed on the FNDC website. The first "Summer 2021/2022" edition was published on 29 October 2021 and the "Autumn 2022" edition was published on 5 April 2022. The "Winter 2022" edition is due for publication in June 2022.

The purpose of the newsletters is to circulate important information or messages in relation to food registration requirements or practices. A copy of the "Autumn 2022" edition is attached to this report. Refer Attachment B.

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

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

ĀPITI HANGA / ATTACHMENTS

1. Attachment A JAS ANZ Assessment Findings - A3702603  
2. Attachment B Autumn 2022 Food Business Newsletter - A3702612  



ASSESSMENT FINDINGS – FAR NORTH DISTRICT COUNCIL TS3-19

Non-conformity No.	Date raised	Details of non-conformity/ Reference/ Category	Information provided by agency to rectify non-conformance	Comment/closure and date
NC1	12/02/21	Overdue verifications, reports, expired verifications and no process in place. The Food Act 2014 Schedule 4		Significant work has been undertaken by FNDC and the number of overdue verifications, reports, registrations and CARS has dramatically decreased due to the systems that are now in place. NC CLOSED SW 22/02/22
NC2	12/02/21	There was some confusion over the use of the competence assessment form. The form as a template appears to be intended for use for on-site peer reviews of verifiers. However, a completed form for one verifier from the 24/12/2020 was a record of an assessment using a variety of techniques e.g. interview, report review, discussion. The Food Regulations 110 (2) (e) & 110 (2) (d)		The Competency Assessment template was updated, and assessments were completed in December 2021 using the reviewed form. NC CLOSED SW 22/02/22 Refer Minor Nonconformity 2-TS3-19
NC3	12/02/21	The recording of reasons for decisions on competency was not always completed.		The framework has been updated to include sector competencies and desktop review of competencies has

COMMERCIAL – IN – CONFIDENCE

Assessment No: TS3-19

		The Food Regulations 110 (2) (e) & 110 (2) (d)		been completed for the three verifiers. NC CLOSED SW 22/02/22 Refer Minor Nonconformity 1-TS3-19
1-TS3-19	22/02/22	There are no details in the competency matrix and no evidence available to determine upon what basis competency for the various sectors is assessed and verified. Minor Nonconformity Food Regulations 2015-110 (2) (d-i) & (g-i)		
2-TS3-19	22/02/22	No onsite peer reviews have been completed for the three verifiers since their initial external witness for approval. Minor Nonconformity Food Regulations 2015-110 (2) (m)		



Food business tips and reminders

As autumn approaches, these tips and reminders are designed to keep you at the top of your game – ensuring the safety of your food, your customers and the health of our Far North communities.

A

Autumn holiday trading

The Easter break and Anzac Day are this season's public holidays, but are they restricted trading days? To check if you can open, go to www.employment.govt.nz and search for [restricted trading days](#). We also provide information on which days are public holidays or restricted trading days on the next page.



U

Understanding food registration

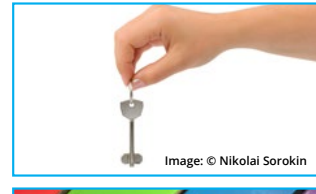
Food businesses must be registered and renew their registration before it expires under the [Food Act 2014](#). Once your food business is registered, you must complete food verification requirements. The next page has more information.



T

Thinking about selling your business?

Keep in mind if you sell your food business, you must surrender your registration. Food registrations are **not transferrable** and the new owner must apply for their new registration.



U

Using a public space for alfresco dining

To occupy a public space for alfresco dining you need to obtain Council permission. The application forms are on [our website](#). Search for [alfresco dining](#).



M

Make sure food is available with alcohol

All 'On Licence' holders are required to have food available at all times that alcohol is being sold or consumed. If you allow your food registration to expire, this will also affect your alcohol licence – so watch out for this.



N

Nasties

A bacterium called *Clostridium perfringens* causes several disorders including gastroenteritis. No one wants gastro when taking a holiday! Check out ways to prevent and treat *Clostridium perfringens* on the next page.



Unite
against
COVID-19

Please keep up to date with the COVID-19 alert level restrictions and any guidelines that may impact your business.

Go to covid19.govt.nz

Autumn holidays

Anzac Day and Easter

Easter

Friday 15 April to Monday 18 April

Shop trading and employment regulations vary over Easter.

Good Friday is a [public holiday](#) and a [restricted trading day](#) so most shops must be closed.

Easter Sunday is a [restricted trading day](#), but not a public holiday.

Easter Monday is a [public holiday](#).

To check if you can open for trading go to www.employment.govt.nz and search for [restricted trading days](#). Our [Easter Sunday Trading Policy](#) allows shop trading on Easter Sunday in the Far North District.

Anzac Day

Monday 25 April

There are only three and a half days of the year when almost all shops must be closed under the [Shop Trading Hours Act](#). Anzac Day is that half day. Most businesses need to remain closed until after 1pm unless the customer is residing, lodging or present for the purpose of dining in at your premises. RSA clubs are permitted to open from 4am on Anzac Day.

Please note that opening on a restricted trading day has no effect on conditions for the sale and supply of alcohol. There is no holiday from the [Sale and Supply of Alcohol Act 2012](#).

Tool Kits for Food Safety

The Ministry for Primary Industry (MPI) has food safety tool kits available to help you ensure the food you sell is safe to eat.

Tool kits include:

- posters to display
- informative fridge magnets
- the Food Safety Buddy magazine
- the Allergy Aware card game.

Other helpful tips and advice:

www.mpi.govt.nz/food-business/food-safety-toolkit

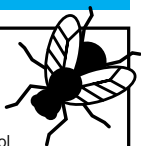
Fly season is here and with the recent rain and warm temperatures we've had in the Far North, expect an **explosion** of flies and other insect populations. But before you run for the hills, there are ways to help control flies and their grubby mates.

- Install fly screens on every openable door or window.
- Keep food covered and refrigerated.
- Clean and sanitise preparation surfaces regularly.
- Remove rubbish more frequently.

Rats - not the COVID testing kind, but the ones you **don't** want to get your hands on. Stop them taking up residence by:

- closing all cracks and holes especially gaps where plumbing pipes come in to your premises
- laying traps and poison.

Check out the [managing pests on your property](#) guidance document on our website.



Food registration vs food verification

Registration

As a food business, it is the operator's responsibility to ensure the business is registered. It is also the operator's responsibility to renew the food registration before it's due. The expiry date is listed on the registration certificate. It's best to renew it a month or two before expiry.

Failure to renew your registration will mean:

- you will need to apply for a new registration
- you will have to cease trading until you obtain a new registration.

REGISTRATION COSTS
\$180

VERIFICATION COSTS
\$515

Food verification

Food Control Plans and National Programmes must be verified, as outlined in the [Food Act 2014](#) (section 50 and section 80).

Gastro guts *Clostridium perfringens*

The bacterium that causes several disorders including gastroenteritis is *Clostridium perfringens*.

Contaminated beef, poultry, gravies and dried or precooked foods are usually responsible for outbreaks of food poisoning. Some strains cannot be destroyed by cooking the food thoroughly, while others can.

Symptoms: You'll feel the effects of gastroenteritis about 6 to 24 hours after eating contaminated food. Buckle in! Symptoms include abdominal pain, expansion of gas, severe diarrhoea and severe decrease in blood pressure.

Treatment: Fluids and rest.

Prevention: Promptly refrigerate food and thoroughly reheat any leftovers. All the time. No exceptions.

Any suggestions for our next newsletter?

Email us: ask.us@fndc.govt.nz

You can also visit: www.fndc.govt.nz/Our-Services/Licences-and-permits

5.3 BUILDING SERVICES BCA UPDATE

File Number: A3726946

Author: Trent Blakeman, Manager - Building Services

Authoriser: Dean Myburgh, General Manager - District Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an update on the current state of the statutory compliance of the Building Consents Authority (BCA) with the building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

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

The building consents processing function has a level of resilience due to using a combination of resourcing involving both contractors and in-house staff. This arrangement also offers some flexibility when there are staff shortages due to Covid. The inspectorate is under pressure due to the inability to recruit experienced staff and staff absences (due to Covid), resulting in 3-4 day delays in obtaining an inspection in all areas. The BCA has a scheduled external audit in October 2022 and a robust internal audit schedule is underway to facilitate implementing any improvements that are identified.

TŪTOHUNGA / RECOMMENDATION

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

TĀHUHU KŌRERO / BACKGROUND

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

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

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

In the current Covid environment, the BCA is looking at enhancing the resilience of the service it provides to the community. Staff positions are being filled, with an emphasis on retaining staff when they join the team. The BCA will focus on reducing consenting days for all tasks to aid over- all compliance with statutory times. This has been successful with a reduction in the 4th quarter to 8 days (on average) to issue a building consent. While Covid has caused some disruption, the BCA has, to date, maintained a 99-percentile performance on 20-day statutory compliance. BCA staff, apart from those who are undergoing training or having connectivity issues, are currently working from home. Challenges are being experienced with the recruitment of experienced inspectors and the BCA is working with People and Capability to address ways of being more competitive in the current labour market.

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

NIL

ĀPITI HANGA / ATTACHMENTS

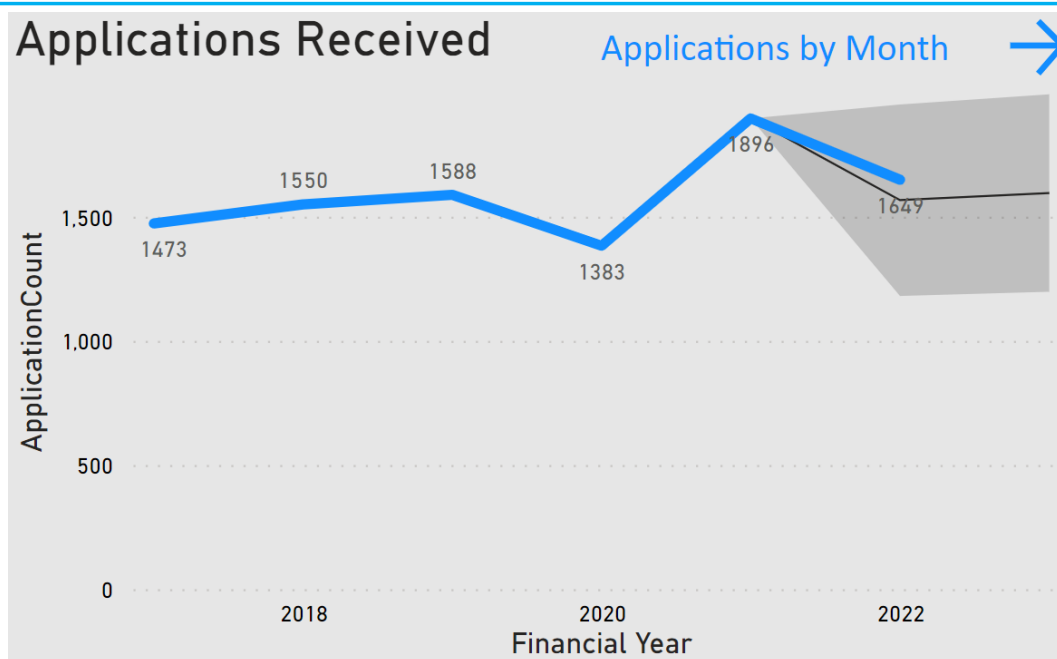
1. BCA RCCPP 7-6-2022 Powerpoint - A3735647 [↓](#) 

BCA Update for the Regulatory and Compliance Committee

- 7th June 2022

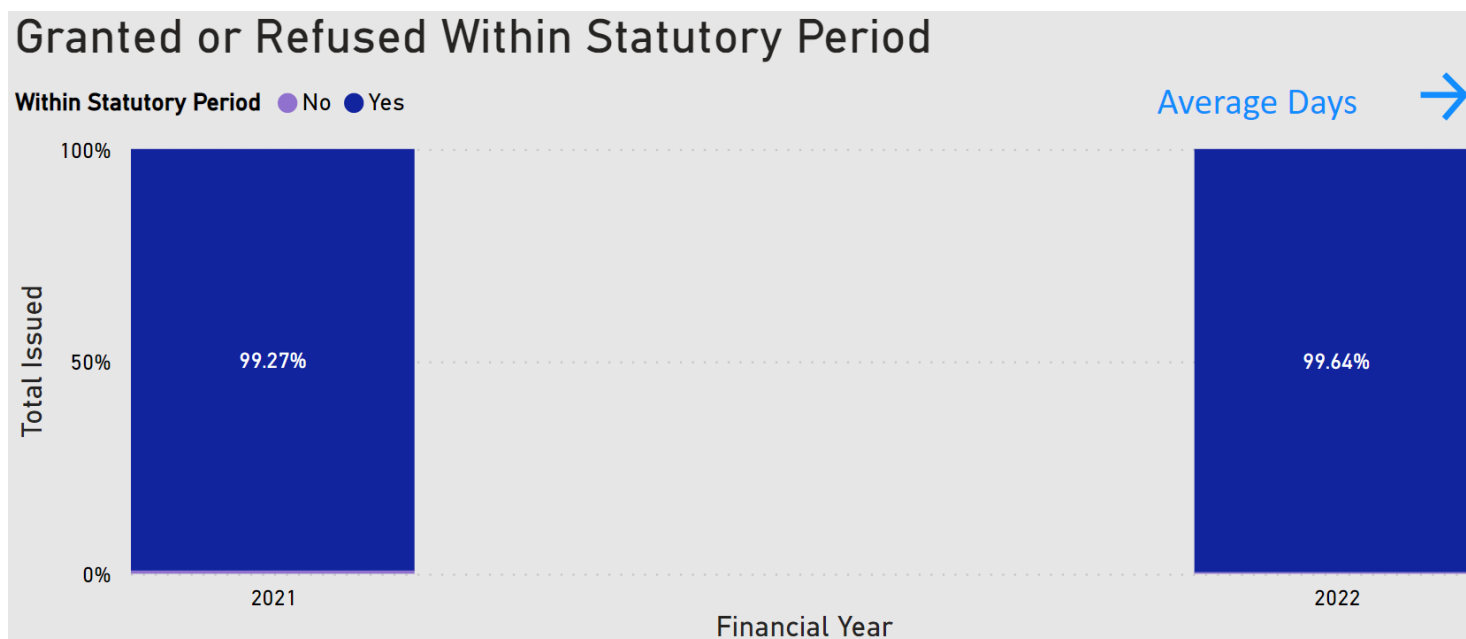
Forecast for 2022 Building Consents.

The forecast for 2022 year is 1531 building consents. We are currently @ 1649



20-day compliance BC's.

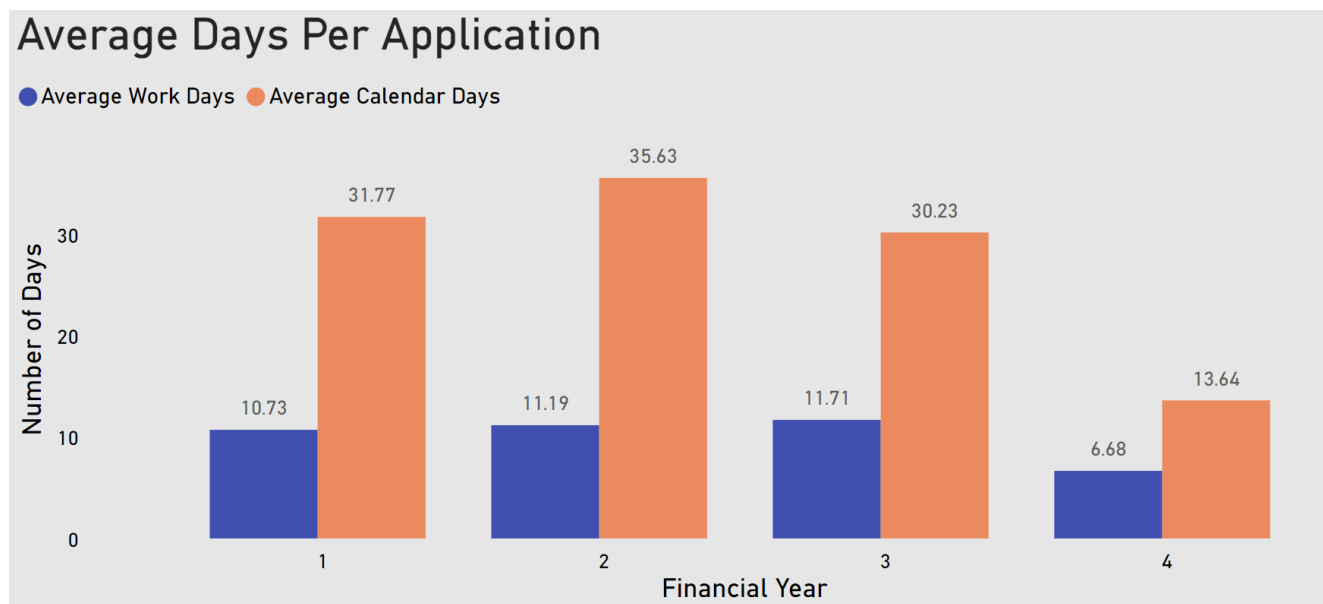
Current compliance for the 2022 is 99.64%



20-day compliance BC's.

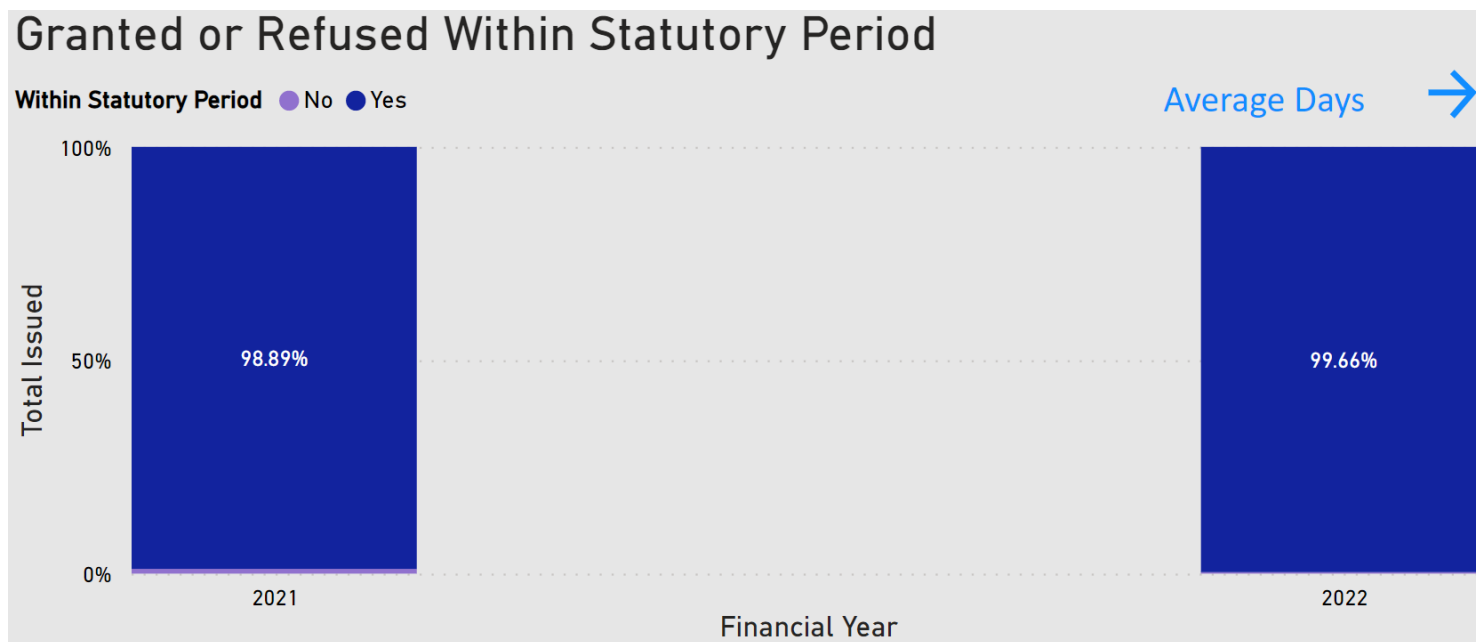
On average building consents are issued within 10 days.

Current compliance for the 2022 is 99.64%



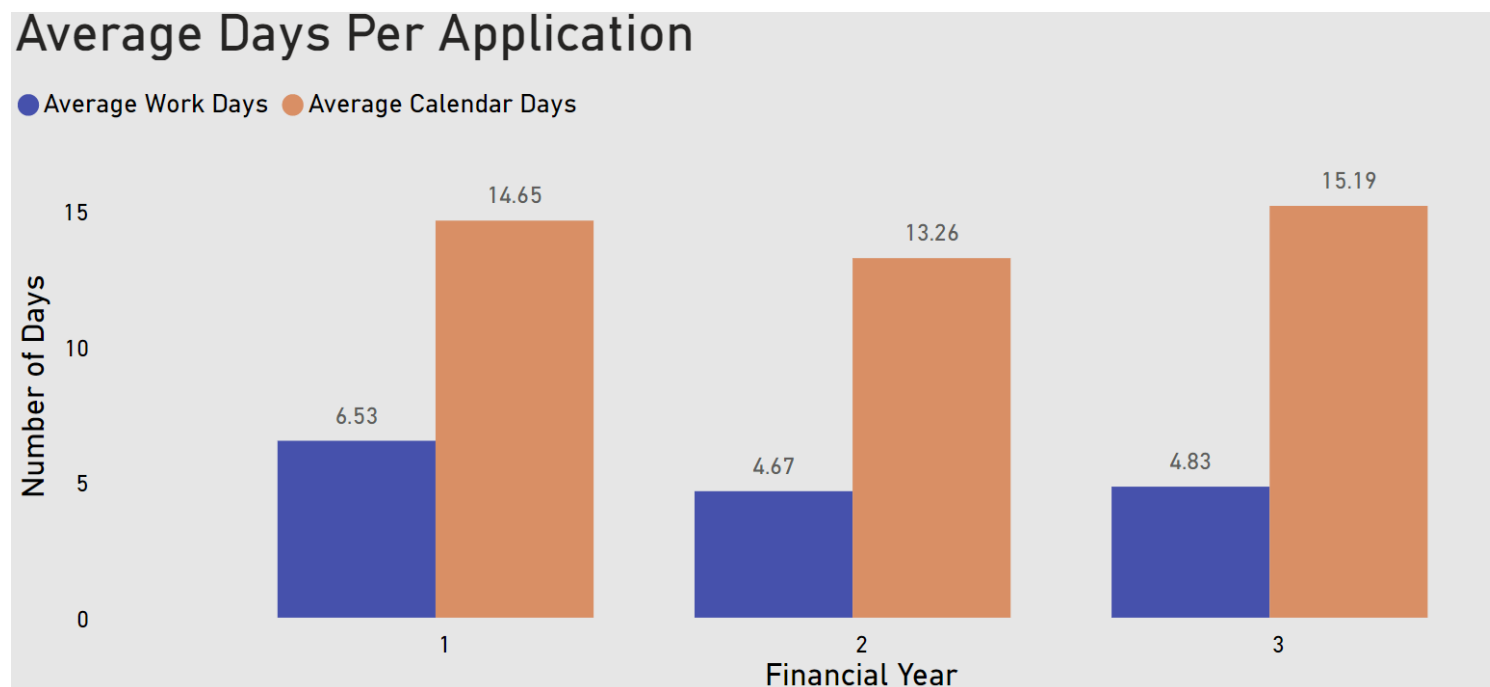
20 Day Compliance CCC's

Current compliance for 2022 is 99.66%



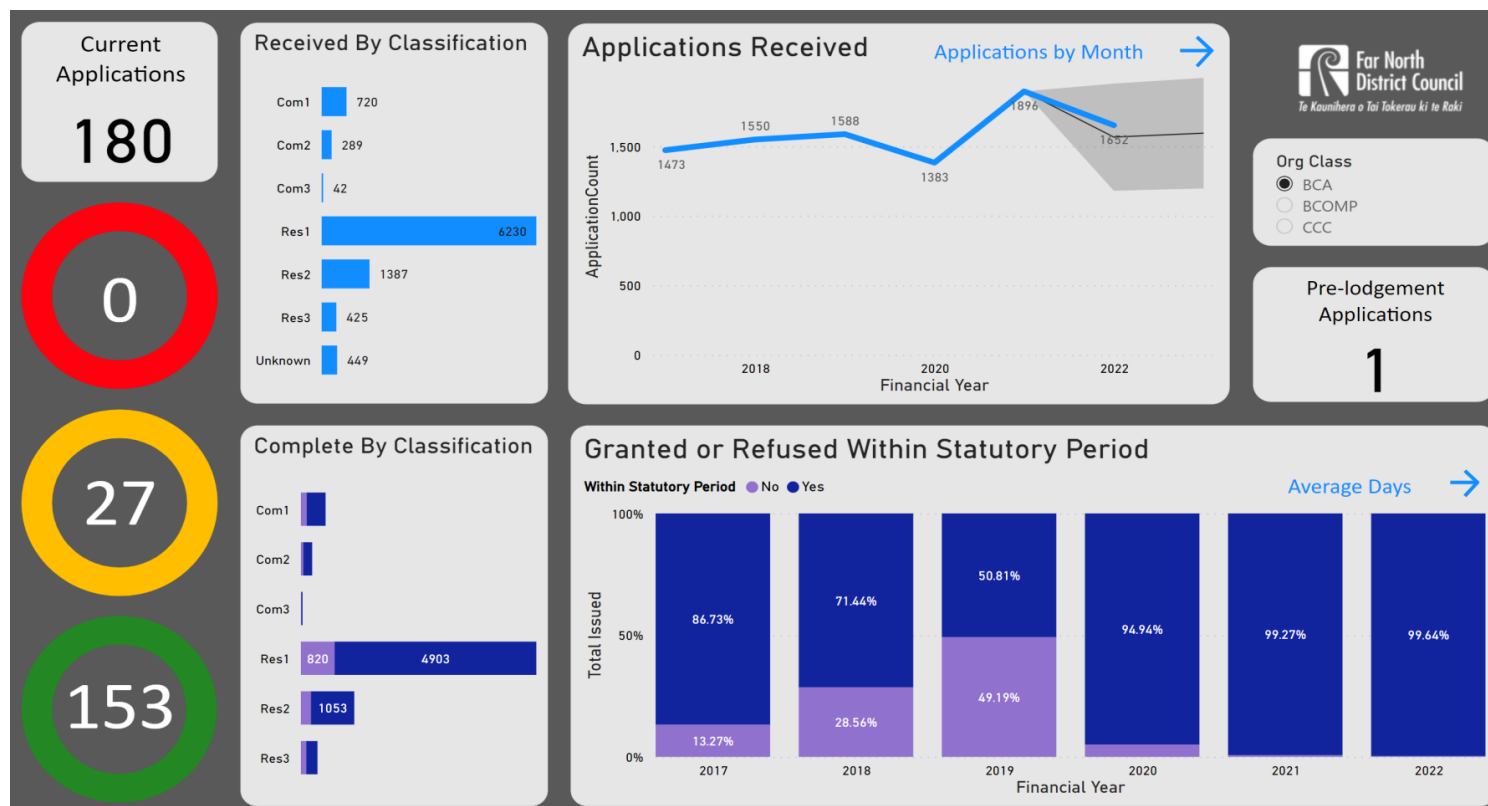
Code Compliance Certificates

On Average Code Compliance Certificates are issue within 5 days



New BI dashboards

How we manage our business.



Questions

5.4 DISTRICT SERVICES MONTHLY BUSINESS REPORT FOR APRIL 2022**File Number:** A3727880**Author:** Maggie Thomas, Executive Assistant to General Manager**Authoriser:** Dean Myburgh, General Manager - District Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

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

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The District Services Monthly Business Report provides a summary of progress and highlights for the month of April 2022.

TŪTOHUNGA / RECOMMENDATION

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

TĀHUHU KŌRERO / BACKGROUND

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

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

Building Services: This includes processing and inspecting Building Consents and Building Compliance related matters.

Environmental Services: This includes Animal Management, Environmental Health (Food, Alcohol and Health licensing and monitoring), Compliance Monitoring (Legislation and Bylaw monitoring and enforcement) and Resource Consents processing

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The information is attached in the form of a report.

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

There are no financial implications (or budgetary provision requirements) associated with this report.

ĀPITIHINGA / ATTACHMENTS

1. District Services Monthly Business Report - April 2022 - A3727875  



**DISTRICT SERVICES
MONTHLY
BUSINESS REPORT**

April 2022

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

Performance in Brief

Introduction

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

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



Our Customers

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

Our Finances

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

Funding Breakdown for the District Services Group

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

Our Level of Service KPIs

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

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

Contribution to community outcomes	
	Communities that are healthy, safe, connected and sustainable
	Connected and engaged communities prepared for the unexpected
	Proud, vibrant communities
	Prosperous communities supported by a sustainable economy
	A wisely managed and treasured environment that recognises the special role of tangata whenua as kaitiaki

Executive Summary

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

Community and Customer Services

Libraries and Museum

Libraries and the museum removed most Covid-related restrictions in April. Customers were able to resume studying in Library spaces and to spend more time viewing collections. Public programming restarted in the school holidays and will expand during the school term.

i-SITEs

Easter was busy with large groups travelling and making bookings. More Australians have been visiting since the border restrictions were lifted.

The i-SITE s17A service delivery review contract was awarded to Morrison Low at the end of April and the review commences in May.

Customer Care

The effects of Covid lingering in April were felt with more staff absences and vacancies that have now been filled. It is expected that Contact Centre call wait times will improve with increased number of staff on phones.

Housing for the Elderly

During April 2022, three tenancies ended, and no tenancies began. Some of the six-monthly inspections were completed via the phone with a small number of Requests for Service (RFSs) raised for repairs and maintenance. Work continues with tenants and the Ministry of Social Development to get debt reduced.

Building Consents

The BCA received 142 consents for the month of April, which is on par with previous years. April compliance is 100% with an overall rate of 99.77% for the year to date. Both statutory and calendar days are showing a downward trend, this is a testament to the ongoing great work the BCA Building support and processing teams are doing which leads to a better customer experience with reduced times to gain a building consent. Code compliance certificates is tracking at 99.82% for 20-day compliance, with April at 100%. There were 98 CCC's issued in April. The average days to issue was 8 days.

The project value for issued building consents for the month of April was \$ 32.6m (\$4.38m related to commercial construction and the balance of \$ 28.23m was residential construction).

The BCA is tracking well, with internal audits being completed in preparation for the IANZ audit in October of this year.

Despite Covid-related staff absences the BCA is providing a compliant service to its customers in a timely manner. Recruitment for further Building Control Officers continues, with some challenges around remaining competitive in the building labour marketplace.

Environmental Services

Resource Consents

Resource Consents achieved 34.62% compliance with statutory timeframes in April. This result is due to the ongoing high volumes of applications received, several job vacancies and the general unavailability of consultant planning and engineering support. 120 applications were received during April, including 76 applications under the Resource Management Act 1991 (RMA), reported as part of statutory timeframes.

The high volume of applications in the latter half of 2021 has continued into 2022. The volume coupled with the abovementioned resourcing constraints has resulted in Council being unable to allocate applications in a timely manner and process a significant number of applications within statutory timeframes.

There are currently 194 applications lodged but unallocated within Council's systems. Team Leaders have applied s37 of the RMA to extend processing timeframes where possible and are triaging applications to enable effective allocation to planner's capabilities. The Team is also actively seeking out new engineering and planning consultants from outside Northland and running multiple recruitment campaigns as part of a Delivery Plan to address the bottlenecking and backlogs.

Monitoring and Compliance

Monitoring and Compliance received 90 Requests for Service (RFS) in April 2022, a decrease of 53 RFS on the previous month. A total of 58 noise complaints were received and responded to, with response times of 72% were achieved for urban areas and 100% for rural areas against a KPI target of 95%. This remains a challenging KPI due to the remoteness and size of the district and will be reviewed during contract renewal in 2022.

Only 13 parking infringements were issued during April, with a financial value of \$475. This low figure is due to having two holiday weekends, the parking warden being on sick leave for a week and the introduction of a parking fine holiday (for time-based parking) to boost Covid economic recovery from 15 April until Friday 27 May 2022.

Environmental Health

A total of 19 Food Verification audits were completed in April 2022.

The Environmental Health licensed premises level of service is tracking well, with 70.8% of licensed premises having been visited, leaving 50 premises to be visited by 30 June 2022. The level of service target is that 25% of licensed premises are visited once every four years and the team carry out these visits on an annual basis.

A total of 48 Requests for Service (RFSs) were received by Environmental Health in March, a decrease of 12 from the previous month. The team has ascribed this decrease to the work that was completed on website content and newsletters providing customers and applicants with the necessary information sought through a number of standard queries received.

Animal Management

236 RFSs were received for Animal Management in April 2022, 34 urgent and 202 non-urgent.

Animal Management Officers continue to respond to requests within level of service agreed times ($\geq 93\%$), with a 94% response rate recorded for urgent responses and 96% for non-urgent.

30 dogs were impounded in April, resulting in nine being claimed by their owners, four dogs taken by a Rescue Group and three being adopted out to new homes. A total of 12 dogs were euthanised in April due to not being claimed by an owner and not meeting the criteria to be rehomed.

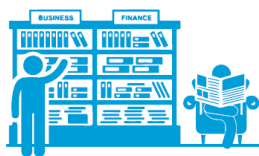
Community and Customer Services

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

Introduction

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

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



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

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

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



Community and Customer Care Executive Summary – April 2022

Libraries and Museum

Libraries and the museum removed most Covid-related restrictions in April. Customers were able to resume studying in Library spaces and to spend more time viewing collections. Public programming restarted in the school holidays and will expand during the school term.

i-SITEs

Easter was busy with large groups travelling and making bookings. The most popular trips were Parasailing, Island Escape, Otehei Bay ferries, fishing, and the Hole in the Rock boat trips. More Australians have been visiting since the border restrictions were lifted.

The i-SITE s17A service delivery review contract was awarded to Morrison Low at the end of April and the review commences in May.

Customer Care

The effects of Covid lingering in April were felt with more staff absences. Two vacancies that have been carried since January have now been filled and training has commenced. It is expected that Contact Centre call wait times will improve with increased number of staff on phones.

Housing for the Elderly

During April 2022, three tenancies ended (Awanui, Puckey Avenue and Oxford Street). No tenancies began. Six-monthly inspections were completed via the phone for Awanui and Ahipara with a small number of Requests for Service (RFSs) raised for repairs and maintenance. Work continues with tenants and the Ministry of Social Development to get debt reduced. However, with short weeks and many tenants visiting family and friends during April, progress was slow. Eight expressions of interest were received for the potential divestment of Housing for the Elderly. A workshop was held with Elected Members on April 26 and future options are being explored.

Events

The number of event applications has dropped which is normal at this time of year. Unfortunately, organisers had to cancel the Anzac Day Dawn Service in the Kerikeri Domain.

Cemeteries

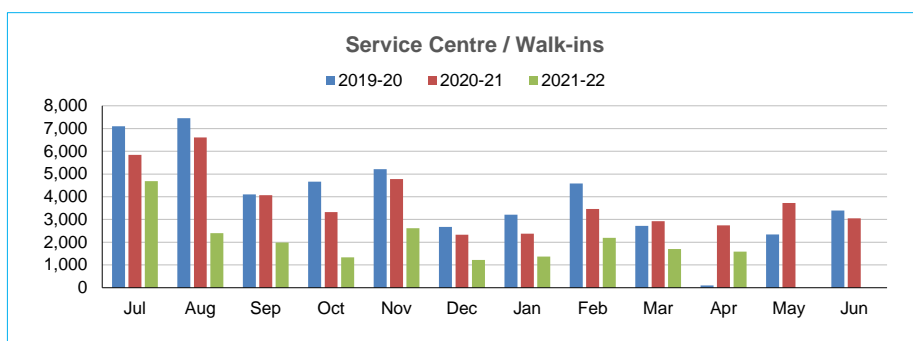
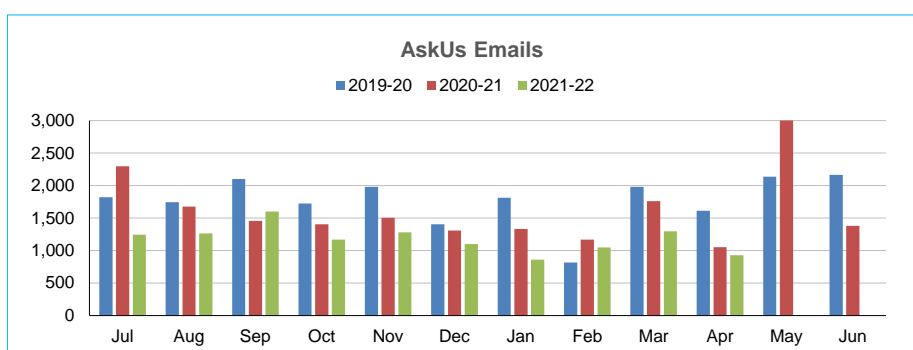
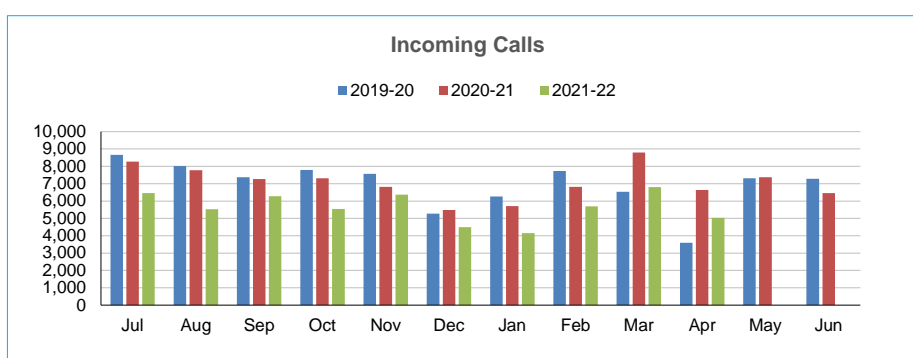
There were 3 full burials and 6 ash burials across the district in April. There are 25 ash burials on hold at the moment and 2 with dates set for later in the year. The opening up of the borders has enabled families in Australia to make plans to bring ashes home for burial.

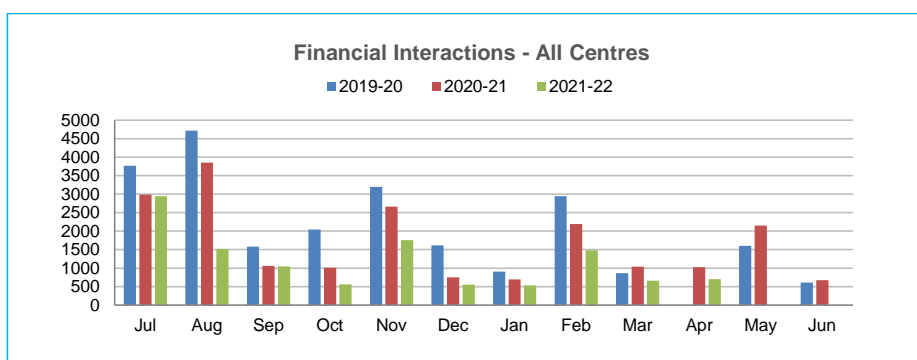
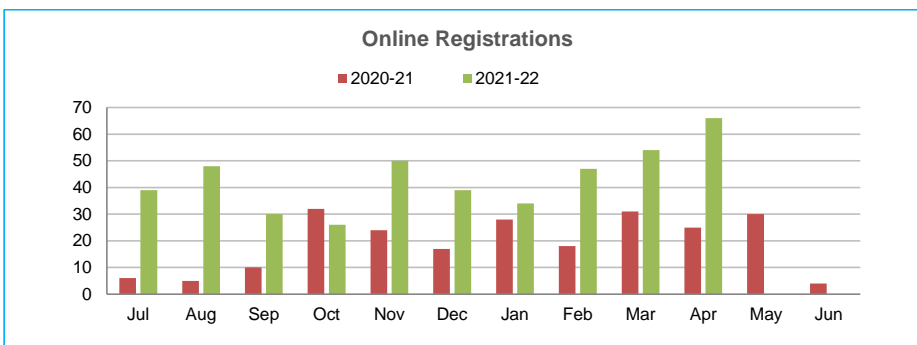
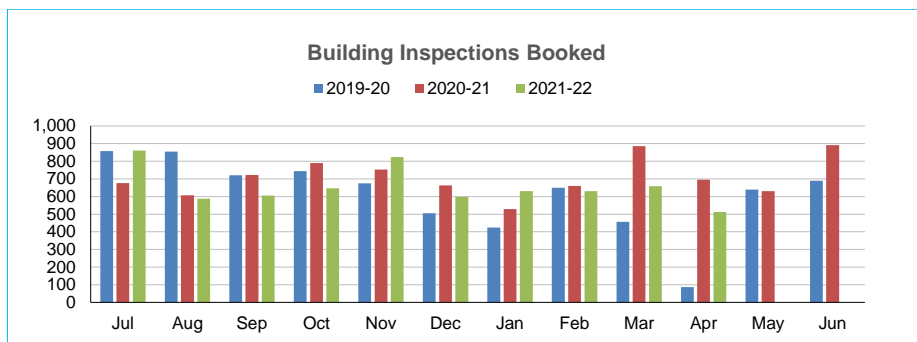
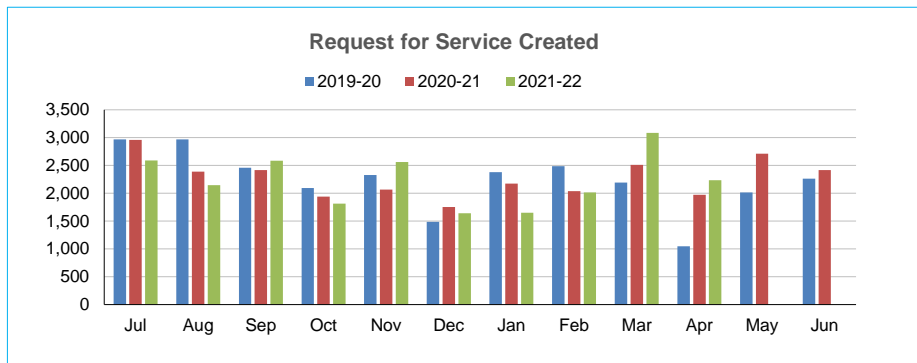
Customer Care

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

Comparison of April 2022 with April 2021.

- 24.13% decrease in calls to the Contact Centre (5,033 down from 6,634)
- 11.86% decrease in AskUs emails received (929 down from 1,054)
- 42.09% decrease in visits to Service Centres (1,586 down from 2,739)
- 26.33% decrease in building inspections booked (512 down from 695)
- 164% increase in online registrations (66 up from 25)
- 31.41% decrease in financial interactions at Service Centres (701 down from 1,022)



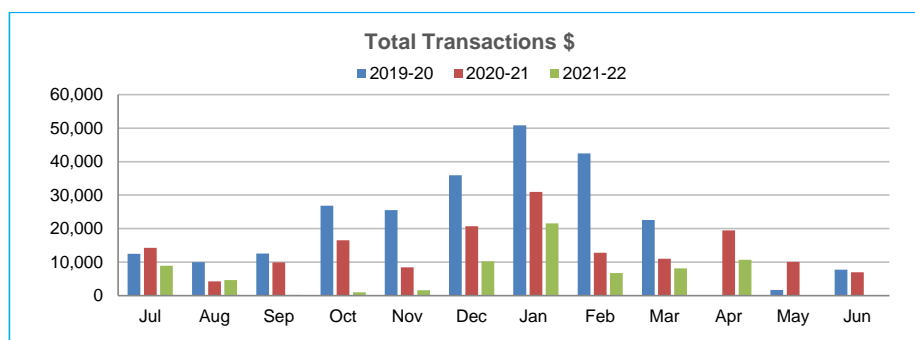
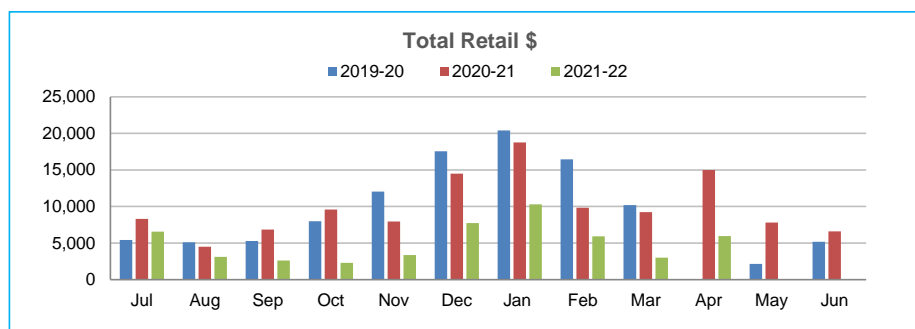
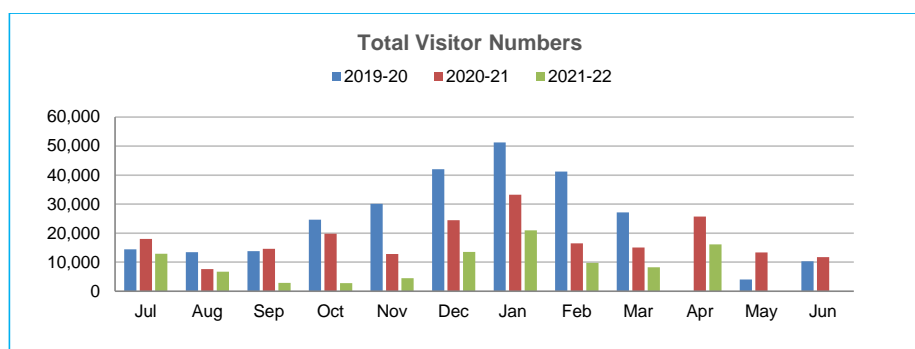


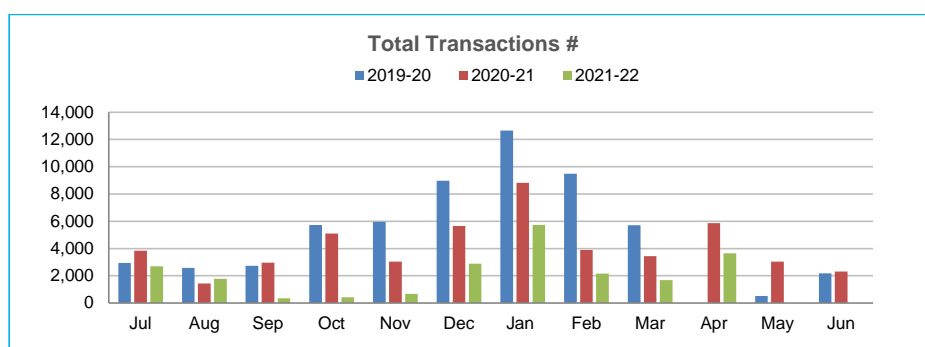
i-SITES

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

Comparison of April 2022 with April 2021.

- 37% decrease in visitor numbers (16,137 down from 25,680)
- 60% decrease in retail revenue (\$5,962 down from \$14,991)
- 44% decrease in transaction spend (\$10,715 down from \$19,481)
- 37% decrease in transaction numbers (3,639 down from 5,864)



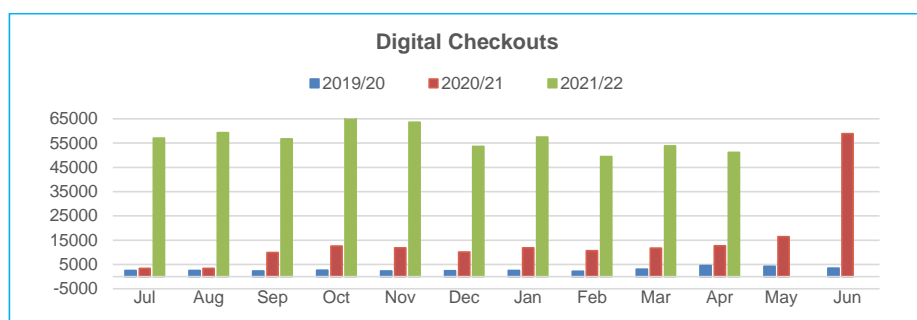
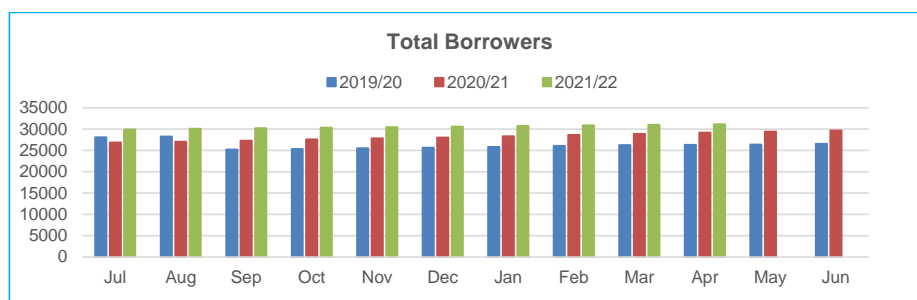


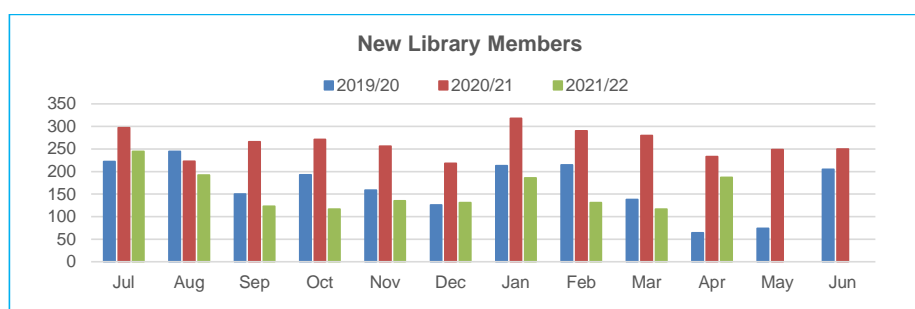
Libraries

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

Comparison of April 2022 with April 2021.

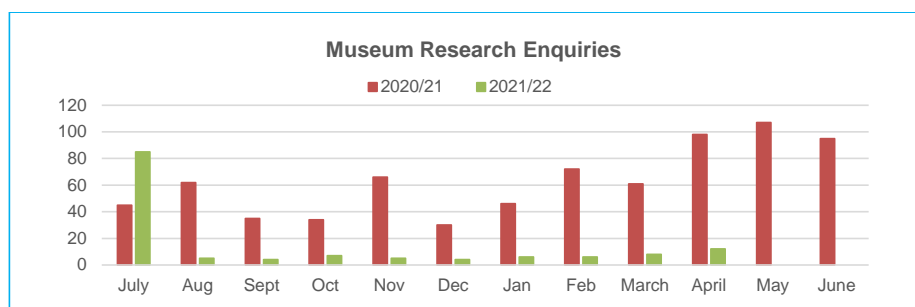
- 303% increase in ebook and audio downloads (51,231 up from 12,714)
- 3.86% decrease in library website sessions (31,644 down from 32,915)
- 56% increase in digital checkouts (87,860 up from 56,312)





Museum

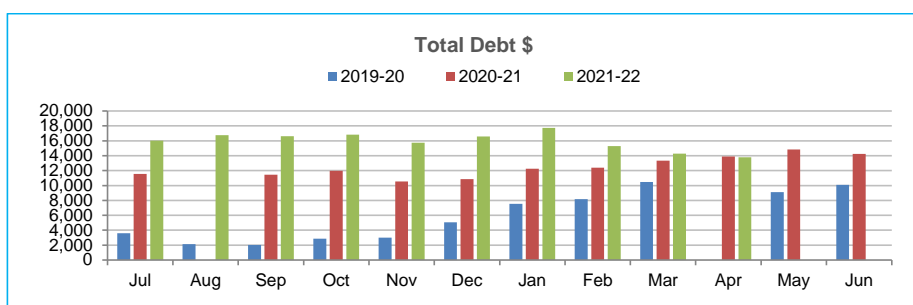
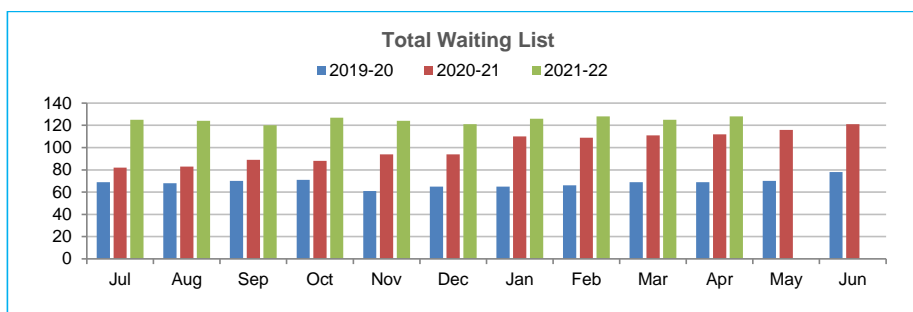
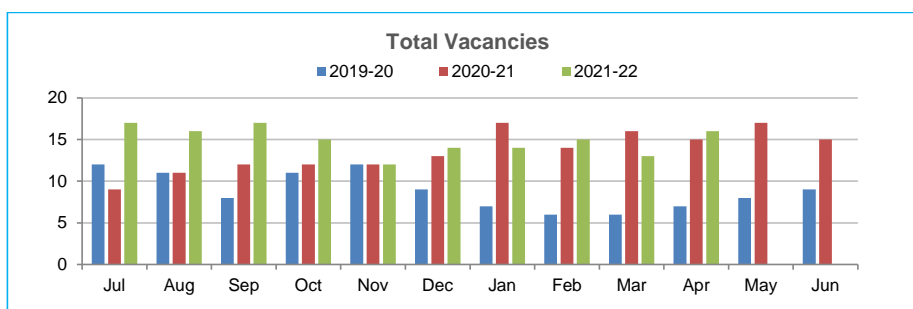
The Museum @ Te Ahu (formerly known as the Far North Regional Museum) was established in 1969 with the purpose of collecting and preserving treasures and taonga relating to the history of the Far North. It is located in the Te Ahu complex in Kaitiaki.



Housing for the Elderly

Council offers Housing for the Elderly (HFE) units in 12 complexes (144 units) across the district to eligible tenants over the age of 60 and who are on a benefit. Vacancies are generally due to refurbishment and wait lists continue to be high due to the lack of housing in the district and an ageing population.

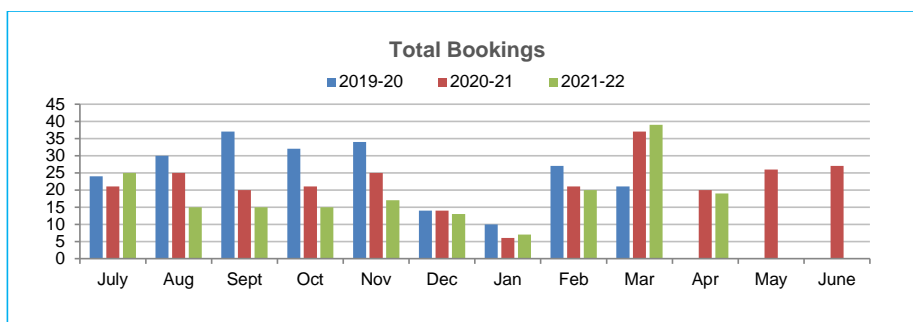
A consistent effort to bring debt from unpaid rent down, by encouraging tenants to pay rent by direct debit is starting to show results.

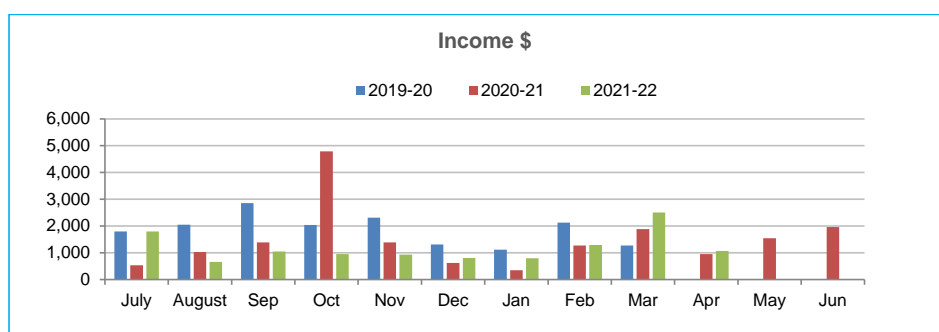


*The Total Debt shows rent arrears

Memorial Hall

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

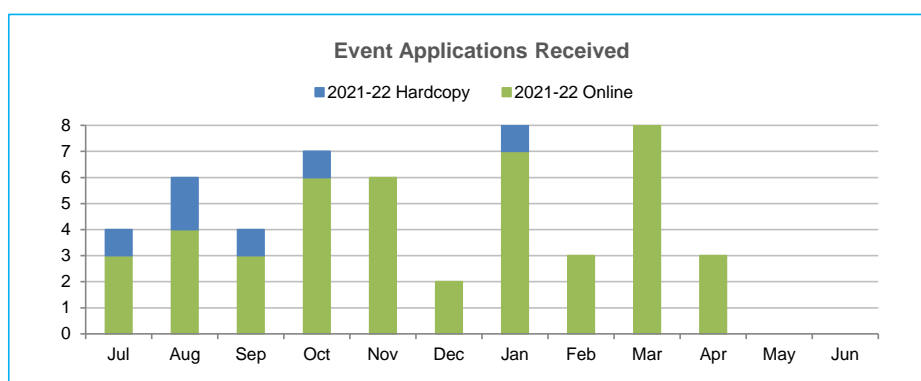




Events

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

Three online event applications were received in April.

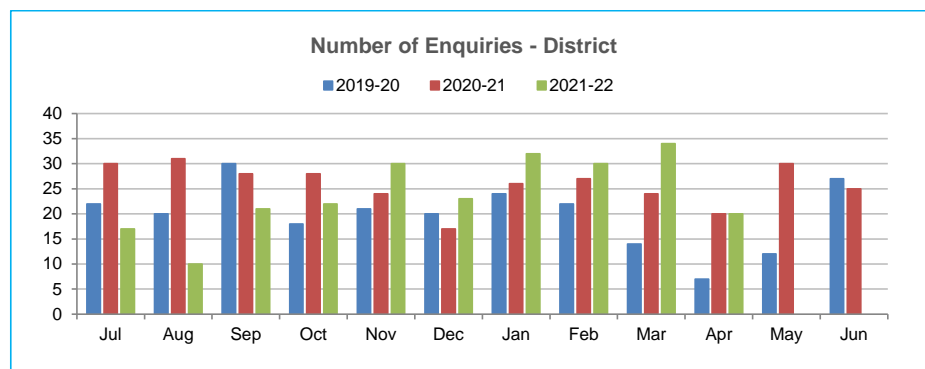
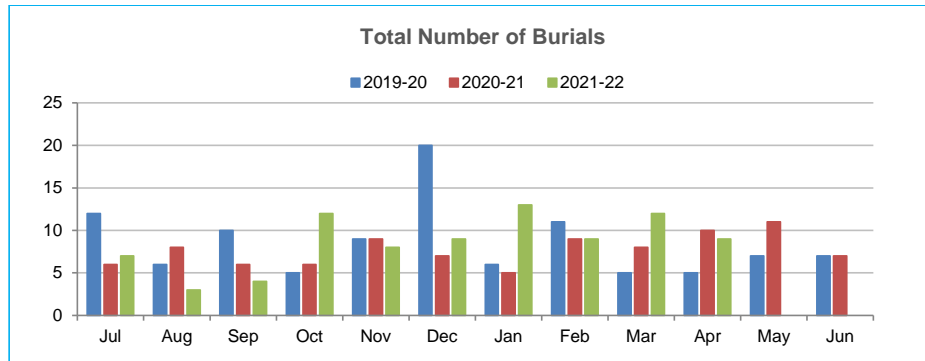


The schedule below contains the new event applications received along with events that have been cancelled or postponed in April.

Date of Event	Place of Event	Name of Event
Sunday 8 May 2022	Memorial Park, Kaikohe	Mother's Day Live Music
22 June and 24 June 2022	Bledisloe Domain	ABs Pre Season Training
Sunday 7 August 2022	Awanui - West Coast Road Reserve at 90 Mile Beach	Summit Forests Kaitaia Run/Walk
<i>Monday 25 April</i>	<i>Kerikeri Domain</i>	<i>Event Cancelled</i> <i>Anzac Day ceremonies - Dawn service</i>

Cemeteries

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



Building Services

This section contains performance information for the Building Services department.

Introduction

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

The BCA perform the following functions:

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



A territorial authority issue:

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



A territorial authority also:

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



Power to inspect and enter land

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

Building Services Executive Summary – April 2022

The BCA received 142 consents for the month of April, which is on par with previous years. April compliance is 100% with an overall rate of 99.77% for the year to date. Both statutory and calendar days are showing a downward trend, this is a testament to the ongoing great work the BCA Building support and processing teams are doing which leads to a better customer experience with reduced times to gain a building consent. Code compliance certificates is tracking at 99.82% for 20-day compliance, with April at 100%. There were 98 CCC's issued in April. The average days to issue was 8 days.

The project value for issued building consents for the month of April was \$ 32.6m (\$4.38m related to commercial construction and the balance of \$ 28.23m was residential construction). The spend by area (rounded figures) was as follows:

Hokianga community	Residential	\$1.08m
Kaikohe community	Residential	\$1.06m
Kawakawa Community	Residential	\$3.69m
	Commercial	\$40m
Kerikeri Community	Residential	\$14.01m
	Commercial	\$2.34m
Northern Community	Residential	\$4.58m
	Commercial	\$2m
Whangaroa Community	Residential	\$3.8m

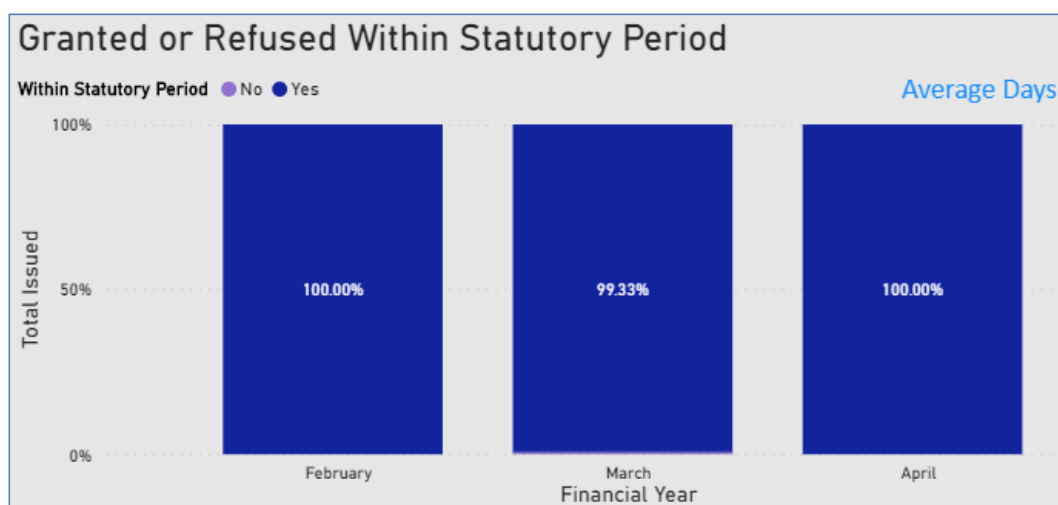
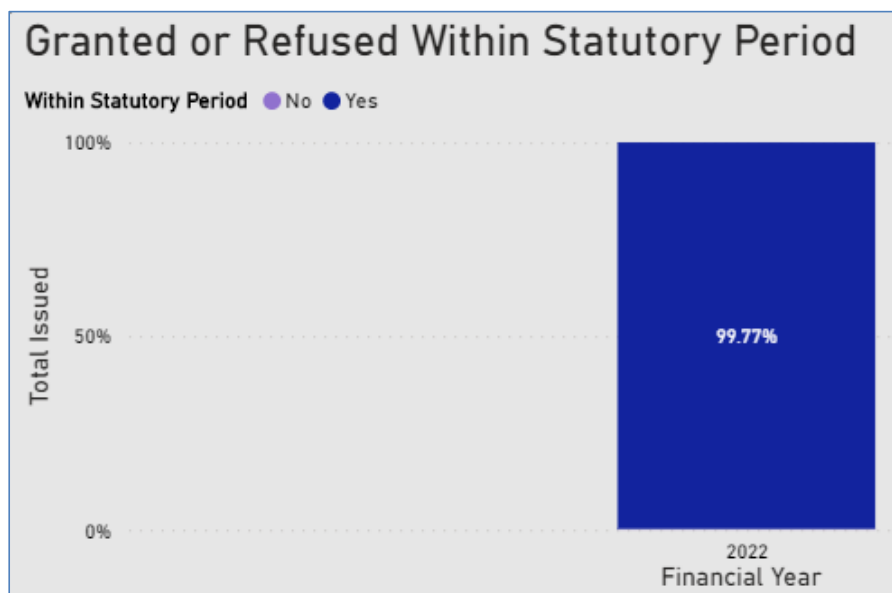
Total BCA fees collected including Levies for the month of April were \$ 389,693 which is 1.2 % of the total project value.

The BCA is tracking well, with internal audits being completed in preparation for the IANZ audit in October of this year.

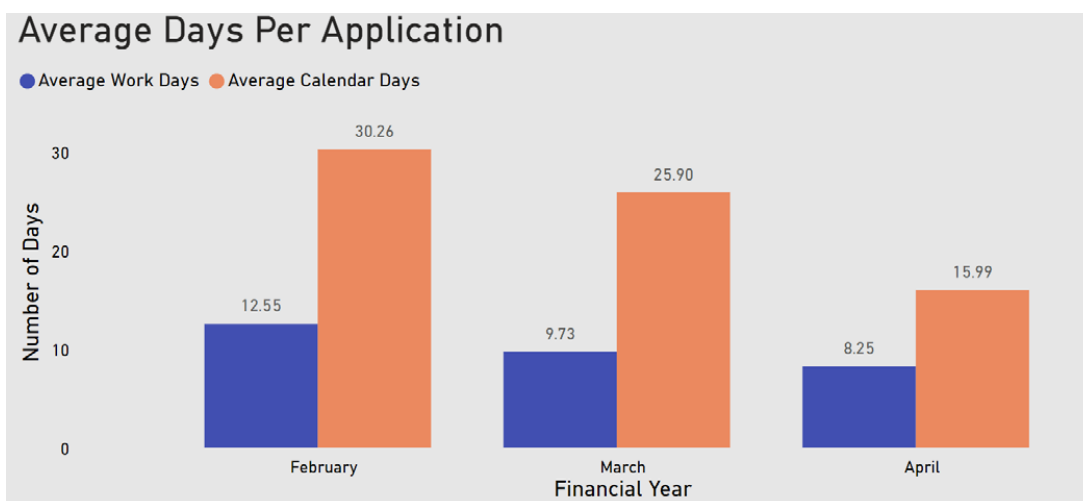
Despite Covid-related staff absences the BCA is providing a compliant service to its customers in a timely manner. Recruitment for further Building Control Officers continues, with some challenges around remaining competitive in the building labour marketplace.

Levels of Service

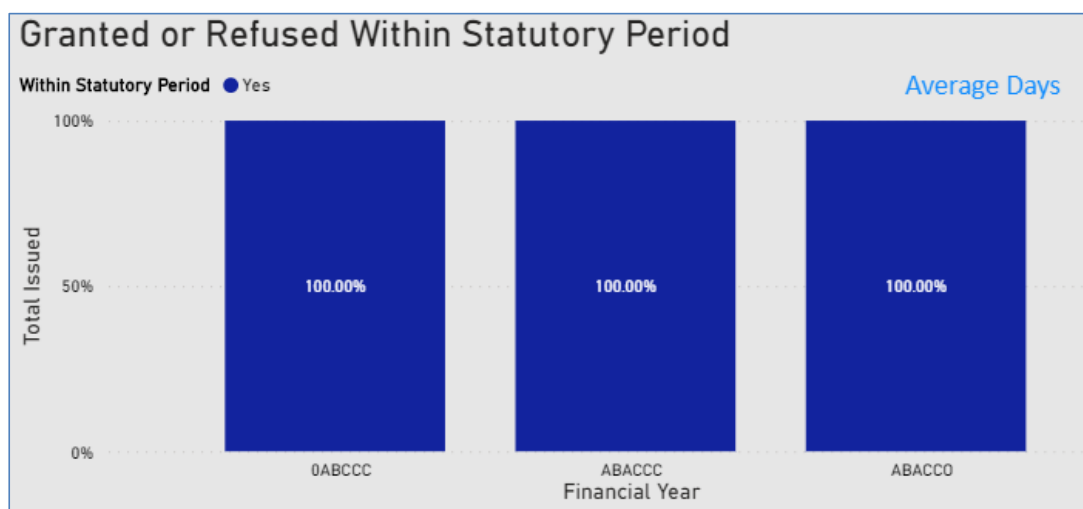
Building consent processing has achieved 100% compliance, with a total of 119 consents granted in April.



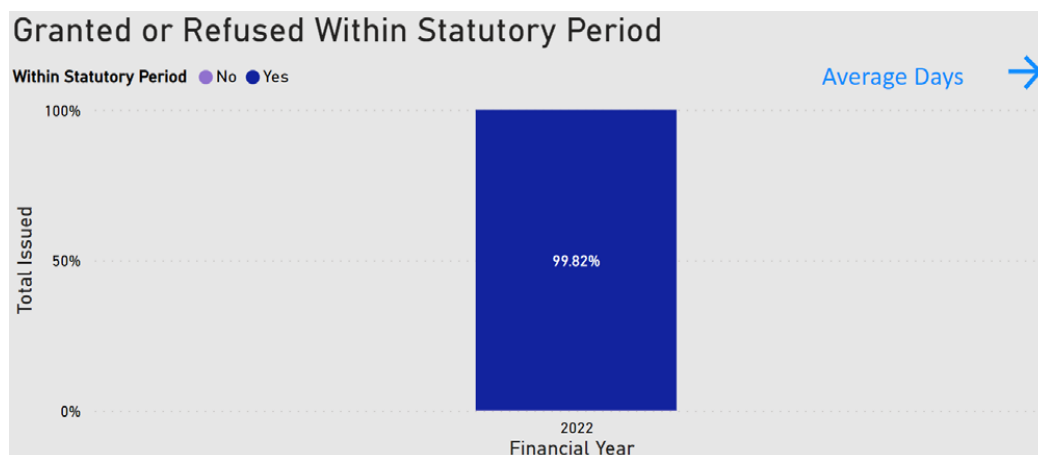
Both the average statutory and calendar days to issue a consent decreased significantly in April. As well as ensuring compliance with statutory timeframes, a reduction in calendar days improves the customer experience.



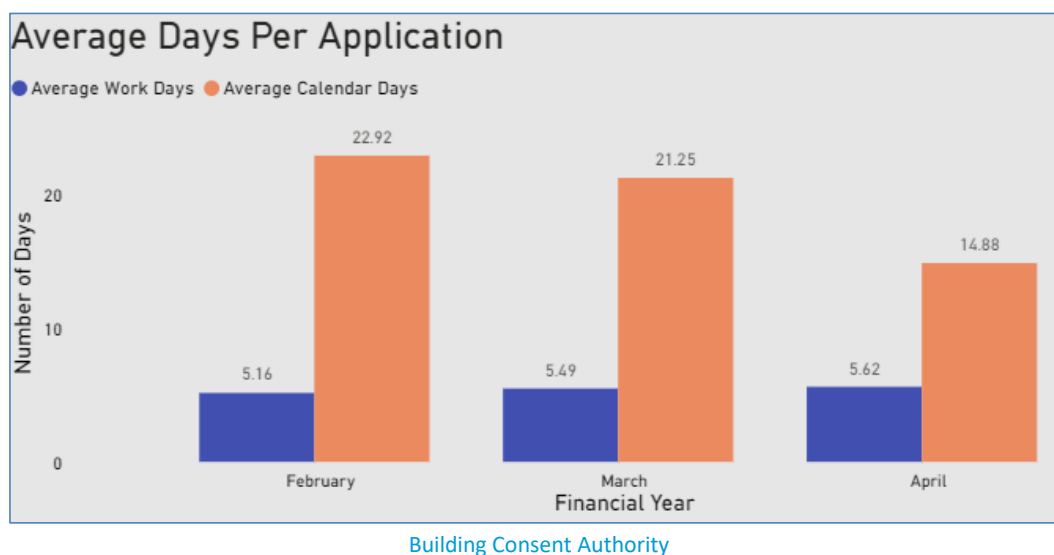
The BCA achieved a 100% compliance rate for the month of April for issuing code compliance certificates. A total of 97 certificates were issued.



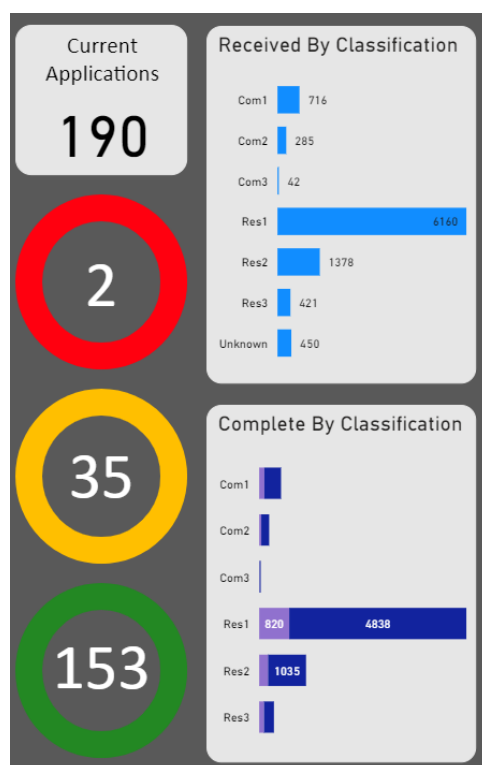
Overall compliance for CCCs for the 2021/22 year is at 99.82%



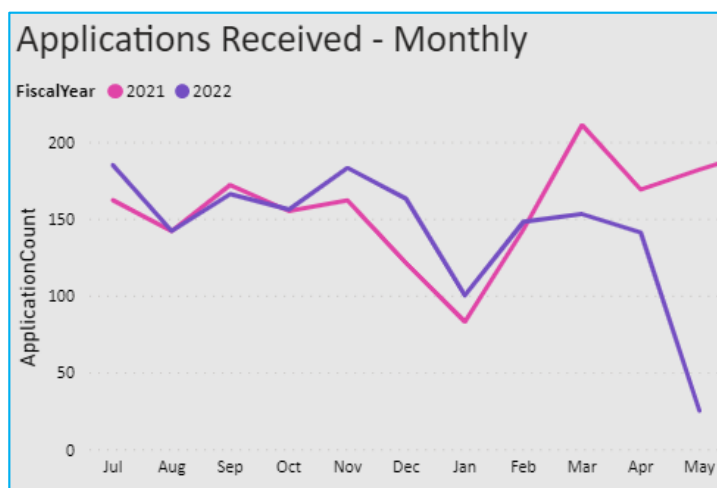
On average, CCCs for April were issued in 6 Statutory Days.



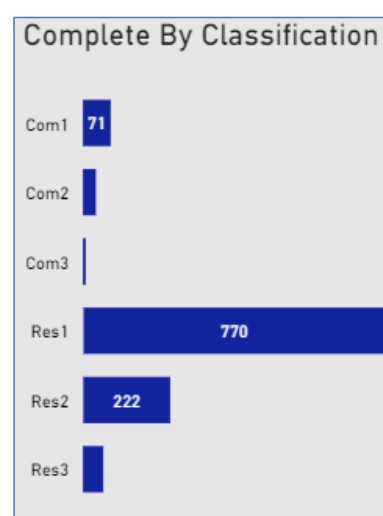
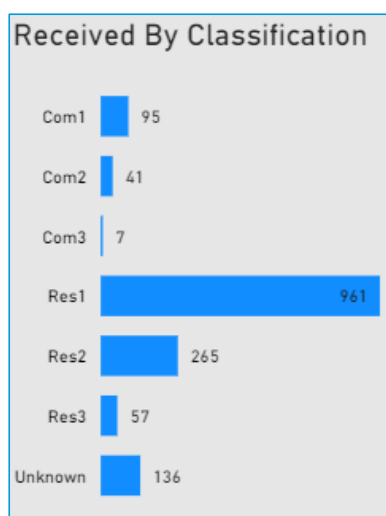
The dashboard on the next page shows the consents currently being processed by the BCA. Of the two consents showing in the Red, one has been granted but the Business Intelligencer system is yet to update and the other, once granted, will be outside the statutory timeframe due to an administrative error. There were 119 Residential 1 (Res1), 35 Residential 2 (Res2), 5 Residential 3 (Res3), 21 Commercial 1 (Com 1), 10 Commercial 2 (Com 2) and 0 Commercial 3 (Com 3) applications. Use of contractors (building consultants) is currently at 51%. It is important to note that the above mentioned consent numbers include consents that are currently on hold, awaiting information.



The number of consent applications received decreased from 153 in March to 142 in April 2022, 27 applications less than the number of applications for April 2021. However, this total is still 8 consents higher than the 4-year average. The trend may indicate a slight slowing in the unprecedented high number of consents that the BCA has experienced. Designers are reporting a reduction in the number of enquiries.



The dashboard on the next page shows the building consent applications received by category. Res 1 applications continue to dominate the current workload of the BCA with a total of 961 Res 1 applications received for the 2021/22 financial year. The commercial sector remains steady with a total of 143 commercial applications received during the same period.



Building Compliance

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

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

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

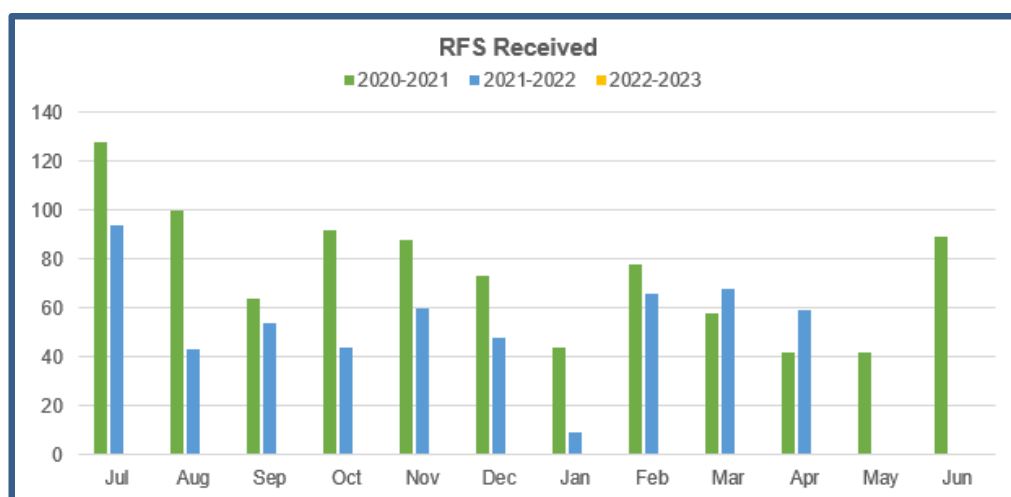
Council ensures compliance by inspecting or monitoring sites to ensure they comply with legislation. Depending on the level of non-compliance there is a range of enforcement options the Council can take, from education to formal enforcement such as notices and prosecution.

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

Requests for Service (RFS)

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

April was another busy month with 59 RFS received. With a full team recovered from Covid-19, most RFS were responded to within acceptable timeframes. With the onset of autumn and a change in the seasons, it is expected that the number of complaints with stormwater will increase. The Building Compliance team continue to deal with a range of Building Act 2004 non-compliances.



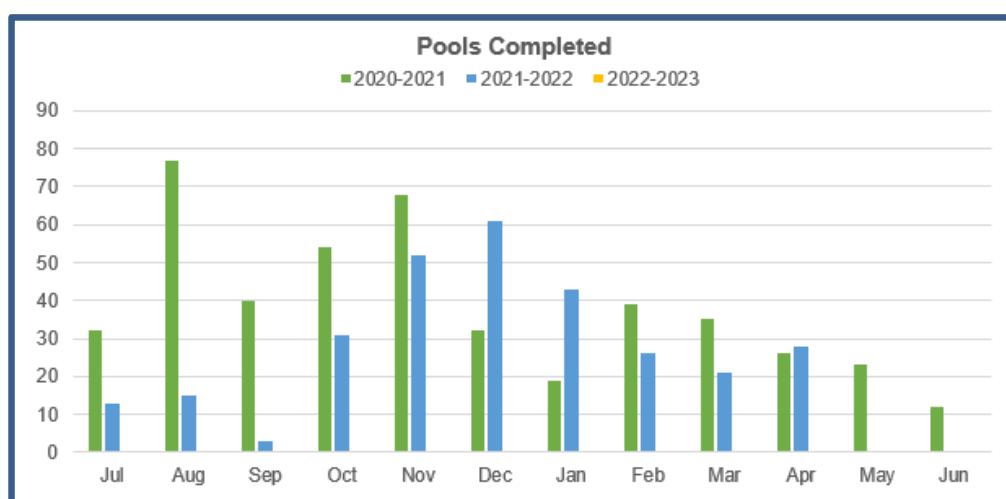
Swimming Pools

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

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

A total of 28 swimming pool inspections were carried out during April, with the completion of inspections on track and as per the allotted inspections for the year.

The swimming pool fail rate was 32% for this period. Council is working hard to provide these homeowners with the knowledge and information to help them achieve compliance and reduce the risk of drowning in the district.



Building Warrant of Fitness (BWoF)

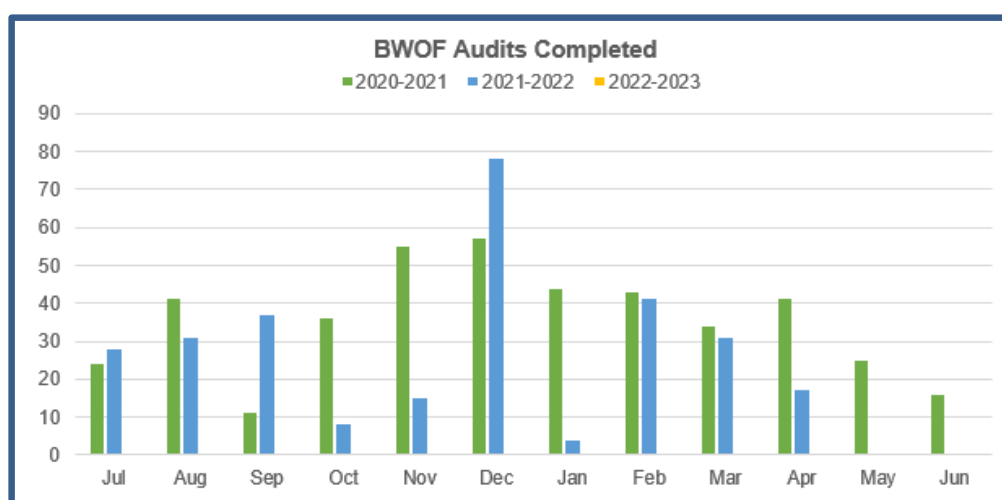
A building warrant of fitness (BWOF) is an annual certificate that confirms that specified systems in a building have been inspected and maintained and that requirements of the compliance schedule have been met.

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

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

Council is currently working on a project updating Compliance Schedules on buildings throughout the district. We are currently 60% through the project with the majority left to complete being larger buildings.

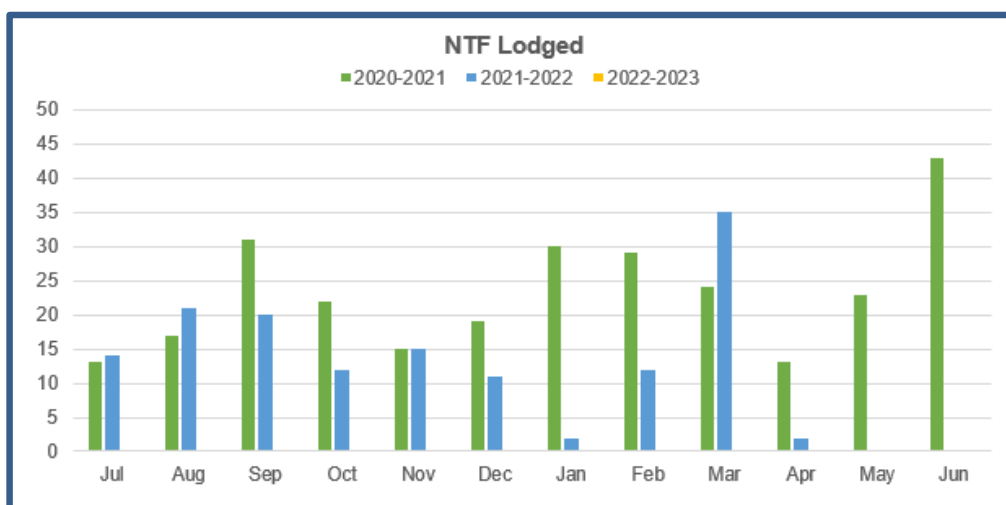
17 BWOF audits were carried out during April as the team now focuses on delivering qualitative audits and establishing a work rhythm, supported by digital transformation and new dashboards to track performance.



Notices to Fix

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

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

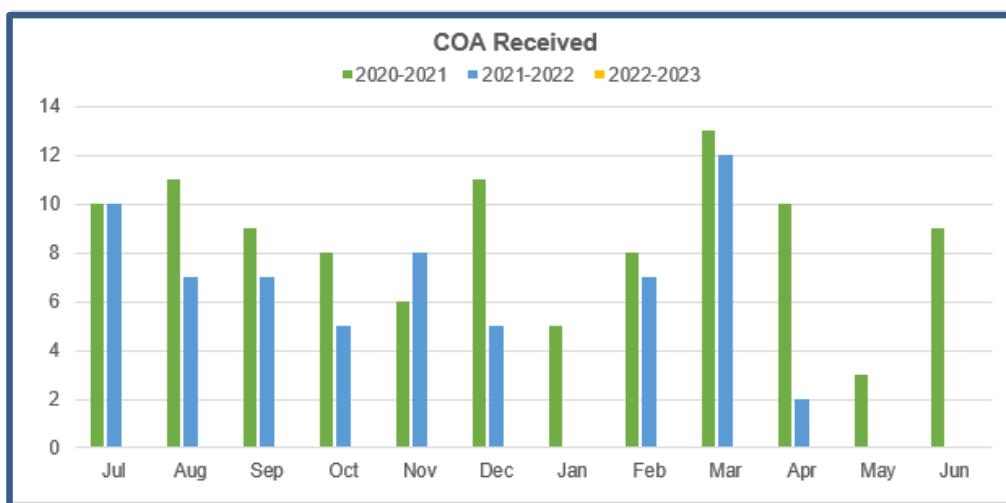


Certificates of Acceptance

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

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

Council received 2 COA applications during the month of April.



Infringements

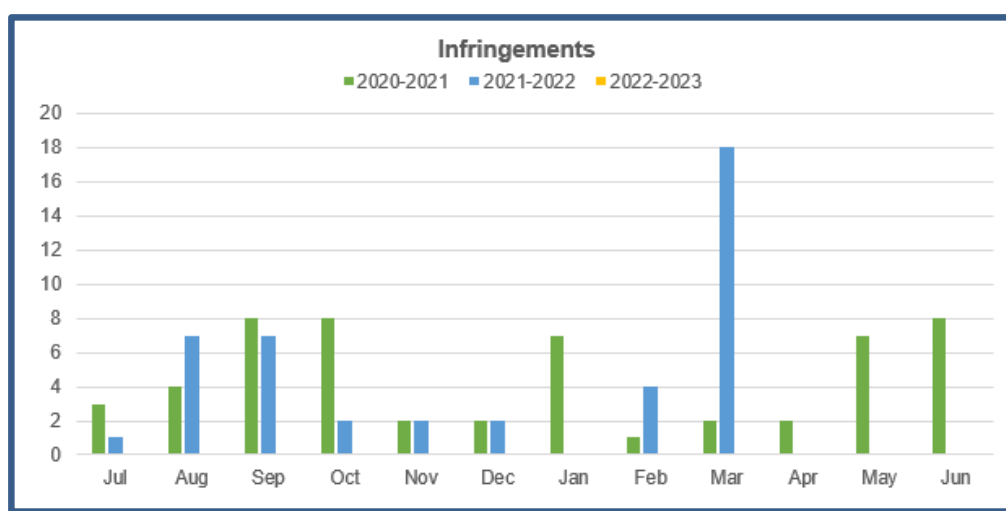
Under Section 372 of the Building Act, an infringement notice may be served on a person if an enforcement officer observes the person committing an infringement offence or has reasonable cause to believe an infringement offence is being or has been committed by that person.

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

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

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

No infringements were issued during the month of April.



Environmental Services

This section contains performance information for the Environmental Services department.

Introduction

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

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

Activities and services undertaken include:

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



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

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

Environmental Services Executive Summary – April 2022

Resource Consents

Resource Consents achieved 34.62% compliance with statutory timeframes in April. This result is due to the ongoing high volumes of applications received, several job vacancies and the general unavailability of consultant planning and engineering support.

The team issued 45 decisions under the RMA and LGA. Of the 45 decisions, 26 were applications required to comply with statutory timeframes and recorded by the Ministry for the Environment (MfE).

120 applications were received during April. This consisted of 76 applications under the Resource Management Act 1991 (RMA), reported as part of statutory timeframes and the remaining 44 were applications under the RMA (not counted) and the Local Government Act (LGA) and the Sale and Supply of Alcohol Act 2012.

The high volume of applications in the latter half of 2021 has continued into 2022. The volume coupled with several staff vacancies and limited capacity of planning and engineering consultants; has resulted in Council being unable to allocate applications in a timely manner, and subsequently Resource Consents has been unable to process many applications within statutory timeframes.

The number of unallocated applications (backlog) has been increasing since early December and there are currently 194 applications lodged but unallocated within Council's systems. Team Leaders have applied s37 of the RMA to extend processing timeframes where possible and are triaging applications to enable effective allocation to planners' capabilities. The Team is also actively seeking out new engineering and planning consultants from outside Northland and running multiple recruitment campaigns as part of a Delivery Plan to address the bottlenecks and backlogs.

Monitoring and Compliance

Monitoring and Compliance received 90 Requests for Service (RFS) in April 2022, a decrease of 53 RFS on the previous month.

A total of 58 noise complaints were received and responded to during the month, 24 less than the preceding month. Response times of 72% were achieved for urban areas and 100% for rural areas against a KPI target of 95%. This is a challenging KPI due to the remoteness and size of the district and will be reviewed during contract renewal in 2022.

13 parking infringements were issued during April, with a financial value of \$475. This low figure is due to having two holiday weekends, the parking warden being on sick leave for a week and the introduction of a parking fine holiday (for time-based parking) to boost Covid economic recovery from 15 April. This moratorium ends on Friday 27 May 2022.

Environmental Health

A total of 19 Food Verification audits were completed in April 2022.

The Environmental Health licensed premises level of service is tracking well, with 70.8% of licensed premises having been visited, leaving 50 premises to be visited by 30 June 2022. The level of service target is that 25% of licensed premises are visited once every four years and the team carry out these visits on an annual basis.

A total of 48 Requests for Service (RFS) were received by Environmental Health in March, a decrease of 12 from the previous month. The team has ascribed this decrease to the work that was completed on website content and

newsletters providing customers and applicants with the necessary information sought through a number of standard queries received.

Animal Management

236 RFS were received for Animal Management in April 2022, 34 urgent and 202 non-urgent.

Animal Management Officers continue to respond to requests within level of service agreed times ($\geq 93\%$), with a 94% response rate recorded for urgent responses and 96% for non-urgent.

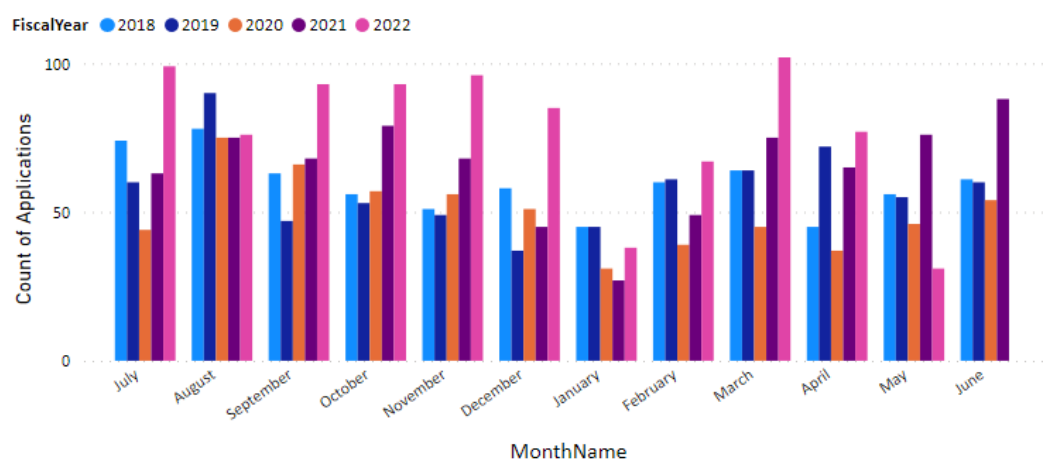
30 dogs were impounded in April, resulting in nine being claimed by their owners, four dogs taken by a Rescue Group and three being adopted out to new homes. A total of 12 dogs were euthanised in April due to not being claimed by an owner and not meeting the criteria to be rehomed.

Resource Consents

Applications lodged

The graph below shows the RMA applications* received by month over the last four years. Planning support lodged 76 RMA applications in April 2022 compared to 65 in the previous financial year and 37 in the 2019/2020 financial year. This represents an ongoing upward trend in the number of RMA applications received in April over the last three financial years. It is noted that the number of RMA applications lodged as of 5 May 2022 already exceeds 50% of the number received in May 2019/2020.

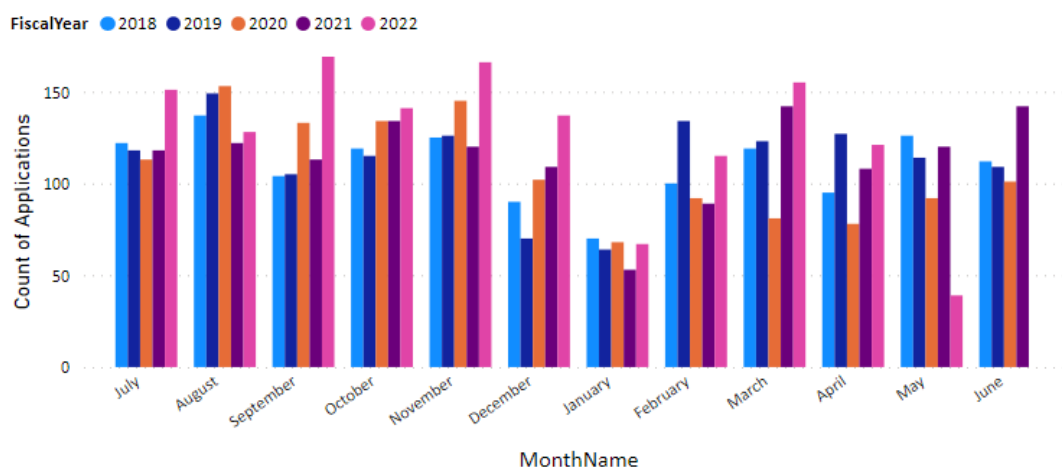
Applications Received - Monthly



*Refers to RMA applications lodged that have statutory timeframe reporting and excludes certificates.

The graph on the next page shows the total number of applications received each month since 2017. The 120 applications received are the total applications received by Planning Support (RMA + LGA) and sent to allocations in April 2022. This is one of the highest number of applications received during April during the past 5 years.

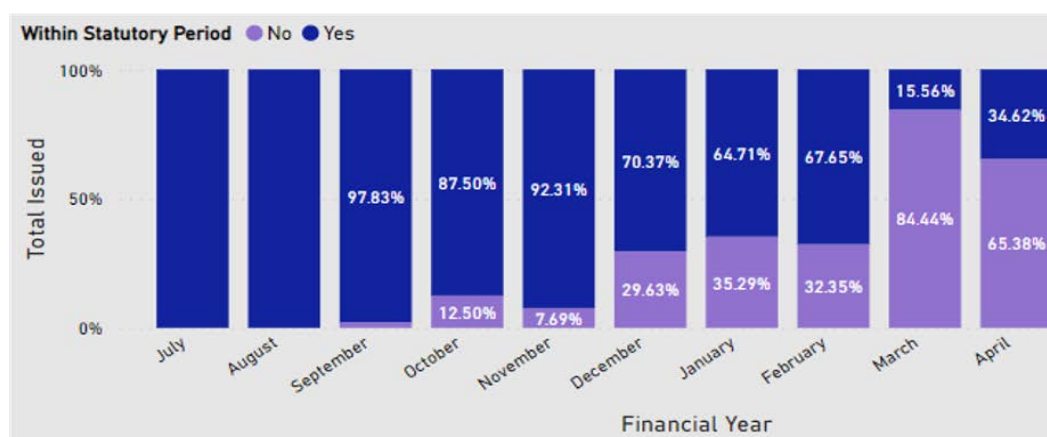
Applications Received - Monthly



Decisions issued

Resource Consents issued 45 decisions under the RMA and LGA in April 2022. Of the 45 decisions, 26 were RMA applications required to comply with statutory timeframes and recorded by the Ministry for the Environment (MfE). 17 consents were outside statutory timeframes and 9 consents within statutory timeframes in April, resulting in a 34.62% compliance rate.

The Resource Consents Performance graph below shows compliance for the previous nine months. The April result is higher than that achieved in March because of triaging new applications by risk profile. The overall low compliance rate is a direct effect of large volumes of applications, reduced consultant processing capacity and staff vacancies. This is discussed in greater detail below under the Trends and Success Stories heading.



*NOTE: this is a snapshot as of 5 May 2022 & may be subject to change.

Types of Applications Received

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

Type of Resource Consent												
	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Land use	32	41	28	34	40	45	43	37	21	16	50	34
Subdivision	15	18	26	18	21	22	25	27	13	6	29	20
Variation	6	12	10	3	7	7	5	6	3	3	7	6
Permitted Boundary Activity	7	3	9	7	5	6	2	7	0	2	5	7
Extension of Time	1	0	2	0	0	0	0	0	0	0	1	1
Certificate of Compliance	0	2	0	0	0	0	0	0	0	0	0	0
RMA Discharge	1	1	0	1	2	0	0	0	0	0	0	0
RMA NES CS	0	0	0	1	0	0	0	0	0	0	0	0
Combined land use and subdivision	6	6	8	6	10	5	11	9	2	6	3	5
Outline Plan	0	0	2	2	1	2	1	0	0	0	2	2
Outline waiver		3	2	2	0	2	0	0	0	0	5	1
Total RMA	67	90	90	74	86	89	87	86	39	32	102	76

Certificate Applications Received

The table on the next page details the number of certificate and other applications received monthly. This table shows that 44 certificates and Local Government Act (LGA) applications were received in April 2022. Application codes are explained in detail below the table.

Number of certificate and other applications received monthly

	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
RMA OTH	1	0	2	0	0	1	1	0	0	1	0	0
RMA OBJ	0	2	1	2	2	4	3	1	0	1	1	3
CER221	0	1	0	2	2	0	2	0	1	0	2	2
CER223	19	14	20	13	25	16	21	14	7	7	17	10
CER224	24	9	14	10	17	14	19	14	8	12	16	14
CER348	0	2	0	2	0	0	2	1	0	1	0	0
CERBND	0	0	0	0	0	0	0	0	1	0	0	0
CEROTH	0	0	0	0	0	0	0	3	0	0	0	2
LGA348	2	4	2	3	3	1	2	2	2	0	2	1
LGAEWK	6	14	11	16	19	11	17	18	9	20	13	12
LIQCOC	2	7	2	3	6	0	3	2	2	1	2	2
Total	53	51	49	49	74	47	70	54	29	43	53	44

Application Codes Explained

RMA Other – s221(3) variation or cancellation of consent notice, s243(e) Cancellation of Easement, s139A Existing Use Rights Certificate, Deemed Temporary/Marginal, s241(3) Cancellation of amalgamation

RMA Objection – Objection to conditions and Objection to fees.

CER221 Certificates – consent notices approved and lodged

CER223 Certificates (Approval of survey plan)

CER224 Certificates (Final approval of subdivision consent) – s224 conditions have been met.

CER348 Certificates (Private Road/Way) – Registration of a ROW on an approved Record of Title also checking that conditions of LGA348 have been met.

CERBND - Bond Certificate – issued when a bond has been lodged.

CEROTH - Certificate Other – See RMA other – anything that doesn't have a home it is a catch all. CER243(e) Cancellation of Easement, CER241(3) Cancellation of amalgamation, CER234 Cancellation or Variation of an esplanade strip, CER221(3) Change or Variation of Consent Notice, CER224(f) Approval of Cross Lease– CERs for LINZ.

LGA348 - Local Government Act 348 – Approval of ROW design and any conditions to be imposed.

LGAEWK - Earthwork application – Earthworks Permit under Earthworks Bylaw can impose conditions

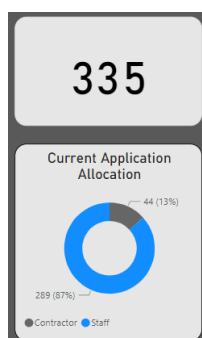
LIQCOC - Liquor Code of Compliance – District Plan check under s100(f) of the Sale and Supply of Alcohol Act

Location of Issued s224 Certification

The below table shows the locations of the s224 certificates issued in April 2022.

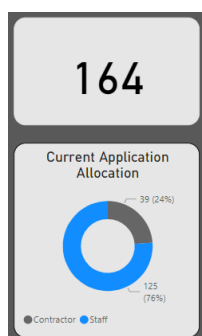
Application Number	Location
CER-2170499-CER224/A	37 Kendall Road, Kerikeri 0230
CER-2220115-CER224/A	191 Fryer Road, Kaitaia 0481
CER-2170498-CER224/A	1030 Wainui Road, Kaeo 0478
CER-2220206-CER224/A	391 Whangape Road, Herekino 0481
CER-2300471-CER224/A	PT Sec 4 Block VI Mangamuka SD, Te Tio Road, Umawera 0476
CER-2300001-CER224/A	156 Ness Road, Kerikeri 0295
CER-2300563-CER224/A	5435 State Highway 12, Kaikohe 0473
CER-2300557-CER224/A	138 Pairatahi Road, Kaingaroa 0483
CER-2300602-CER224/A	Ahipara 49B1, Masters Access Road, Ahipara 0481
CER-2190198-CER224/A	20A Aranga Road, Kerikeri 0230
CER-2220082-CER224/A	296B Waipapa Road, Kerikeri 0230
CER-2300121-CER224/A	Lot 2, Te Ranga Road, Kaeo 0479
CER-2190542-CER224/A	27A Access Road, Kerikeri 0230
CER-2300249-CER224/A	44 Taratara Road, Kaeo 0478

Internal staff versus consultant planners



The figure on the left is the number of applications that are current within the Council system (Pathway).

There are 289 (87%) of current applications allocated to internal staff and 44 (13%) with consultant planners.



The figure on the left is the number of applications that are on hold under s92 or s37. Currently Resource Consents is managing 499 RMA applications. This figure does not include RMA and LGA certificates, earthwork permits, LGA rights of way applications, liquor licence and food health checks.

Trends, News and Success Stories

Hearings

There were no hearings in April.

Processing Timeframes

Over the past year the number of applications for resource consents received by Council has continued to increase. It has not been unusual to receive up to 45 applications in a single week. There are currently five vacancies within the team and there is a heavy reliance on consultants for business as usual. Due to the availability of more lucrative planning and engineering consultancy work, consultancy firms have limited processing capacity to offer Council. The Resource Consents team is actively seeking additional consultants both for planning and engineering. Some of these consultancies are located outside of the district which will result in higher processing costs which cannot be passed onto the applicant, resulting in additional costs to Council.

Resource Consents has seen several resignations for various reasons and is currently recruiting for a Team Leader, Senior-, Intermediate and Resource Planner and an Engineer. Over the past three months there have been no suitable candidates for the four available planning positions, and Council is now looking to attract talent from outside of Northland. The current team is mostly comprised of graduates, resulting in limited capacity to process medium- to high complexity applications in-house and added pressures of mentoring and upskilling the juniors by more senior staff.

When Resource Consents is fully staffed, there will still be a heavy reliance on consultant planners to achieve 100% compliance with statutory timeframes. At present, due to the large amount of private work available, consultancies are choosing to undertake private work which pays significantly higher than processing for Council.

Triaging of applications is occurring and applications are allocated to suitable planners as they have capacity. In some cases, this means that low complexity applications are allocated for processing ahead of medium- to complex applications which were lodged at an earlier date.

Team Leaders have applied s37 of the RMA to extend processing timeframes where possible.

Customer and Relationships

Resource Consents had 63 surveys sent out in April 2022 with 22 responses received, giving the team a response rate of 33.3%. There were 11 satisfied customers, 3 neutral customers and 8 customers were dissatisfied.

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

Applications Received for Significant Developments – December 2021 Onwards

Application	Allocated	Received	Location	Description
2220480-RMACOM	Consultant Planner	24/12/2021	Peria	To create 10 additional allotments in the Coastal Living zone as a Discretionary activity and a land use.
2220420-RMALUC	Consultant Planner	15/12/2021	Takou Bay	To construct a Marae complex in the Rural Production and General Coastal zone as a Discretionary activity.
2220418-RMASUB	In-house	10/12/2021	Taipa	Subdivision to create 10 allotments in the Coastal Living Zone as a Discretionary Activity.

2220472 RMACOM	Consultant Planner	23/12/2021	Russell	Subdivision to create 17 allotments also Land use consent is also sought for reduced setback from proposed internal boundaries and remaining areas of vegetation, and for impermeable surfaces.
2220473-RMALUC	Consultant Planner	22/12/2021	Mangonui	Tasting room at Paewhenua Island breaching the Visual Amenity, Scale of Activities Earthworks, TIF, and access standards in the General Coastal zone and consent for a change of use under the NESCS. Also included are changes to a consent notice and a discharge consent under the regional plan. The activity is a Discretionary activity.
2220547-RMALUC	Consultant	17/02/2022	Kerikeri	To develop four additional buildings in an industrial zone as a discretionary activity
2220682-RMALUC	In-house	05/04/2022	Russell	Papakaianga.
2220689-RMASUB	In-house	12/04/2022	Kerikeri	To replace a water pipeline for the supply of irrigation water.
2220714-RMACOM	Consultant	20/04/2022	Kerikeri	To create 56 lots in addition to connecting Mill Lane to Hall Road and extend Ranui drive to connect with Mill Lane in the Residential zone.

RMA Reform Implications

It is unclear at this time what the implications will be. This will be closely monitored as further information is received.

Monitoring

Introduction

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

Monitoring is responsible for:

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

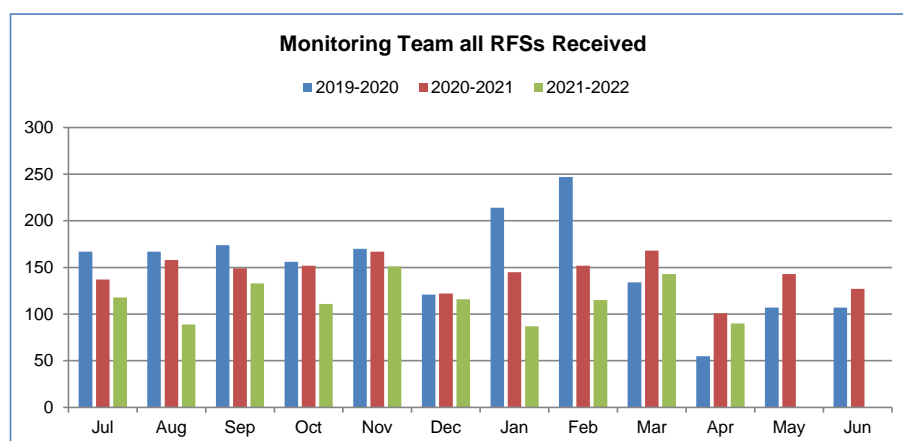
Monitoring is comprised of a team leader, five monitoring officers, two resource consent monitoring officers (one of which is a fixed-term position) and a parking enforcement officer.

Levels of Service

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

Requests for Service

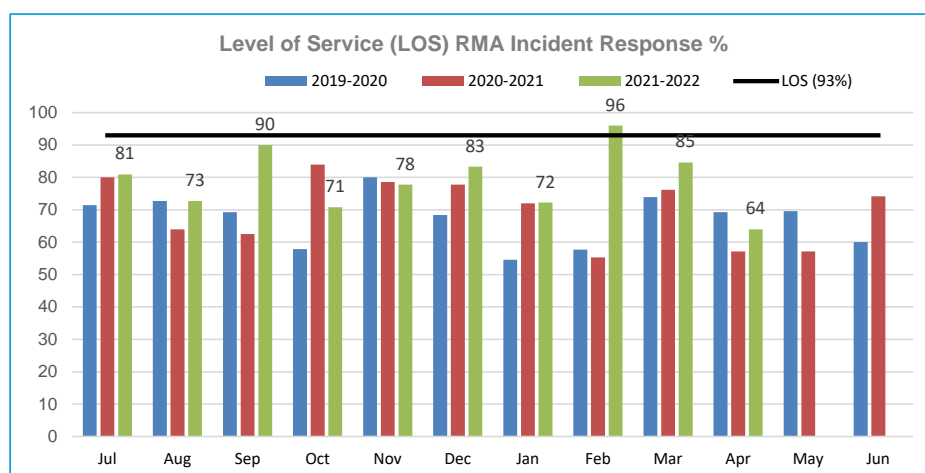
The following graph shows all Requests for Service (RFSs) received monthly over the last three financial years by Monitoring. These RFSs reflect all responsibilities held by Monitoring. The following sections break down those requests into areas of legislation.



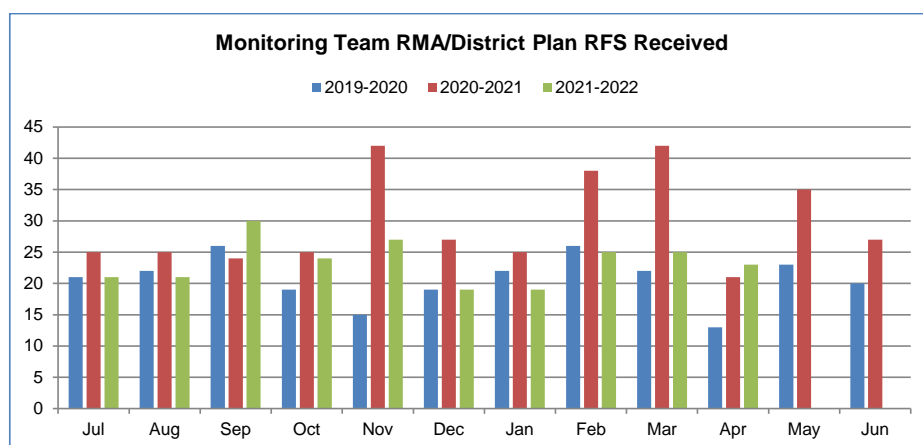
Resource Management Act 1991

A large amount of the work conducted by Monitoring falls under the Resource Management Act 1991 (RMA). This section reports the results of those responsibilities. The LTP level of service for responding to RMA incidents is 93% of customers acknowledged within three working days. The table and graph below show what percentage of RMA incidents were responded to within three working days against the level of service of 93%. The level of service result for April was 64%. This rate is due to lower staff availability due to Covid.

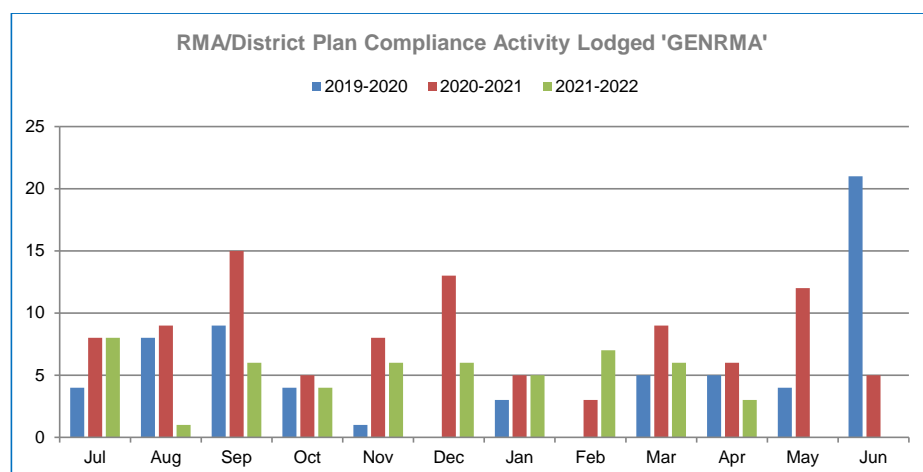
2022	On Time	Over Time	Grand Total	LOS %
Jul	17	4	21	81
Aug	16	6	22	73
Sep	27	3	30	90
Oct	17	7	24	71
Nov	21	6	27	78
Dec	15	3	18	83
Jan	13	5	18	72
Feb	24	1	25	96
Mar	22	4	26	85
April	14	8	22	64



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



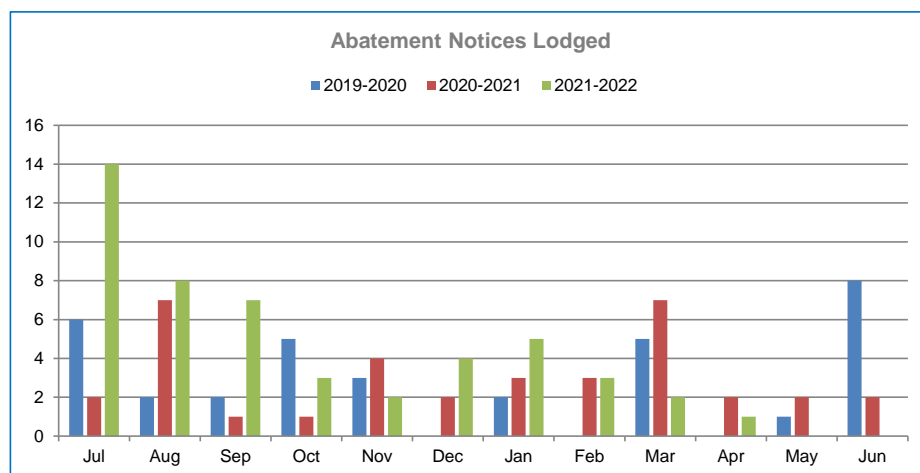
If an RMA/District Plan RFS results in further investigation, a new application is created in the Council system called a 'GENRMA' and research and evidence is recorded with case notes in support of any legal notices, such as abatement notices and environmental infringement notices. The graph below shows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



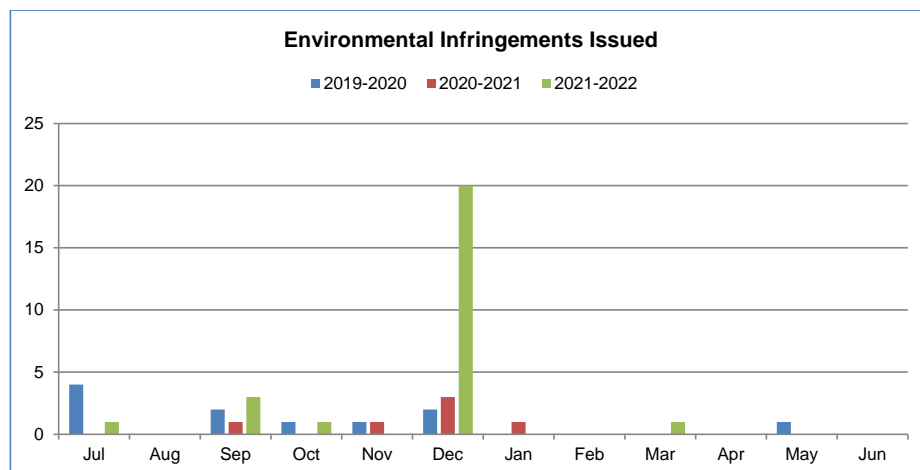
Although Monitoring's policy is to promote voluntary compliance with the District Plan, there comes a point in an investigation where it becomes necessary to escalate the enforcement process. The RMA allows a warranted monitoring officer to issue an abatement notice to direct an offender to do something or cease something that is causing a breach of the RMA. Usually this means ceasing a breach of a rule in the District Plan. Abatement notices can also be issued for failing to comply with a condition in a resource consent or consent notice, or for creating excessive noise.

Abatement notices are issued with a specific date by which the offender must comply. If an offender has not complied with an abatement notice and is not showing a willingness to co-operate with Council, an environmental infringement notice (EIN) of \$750 can be issued, or prosecution commenced. The graph below shows abatement notices issued by Monitoring during the last three financial years.

There was one abatement notice issued in April 2022.



The graph below shows environmental infringement notices (EINs) issued during the last three financial years. There were no EIN issued in April 2022.



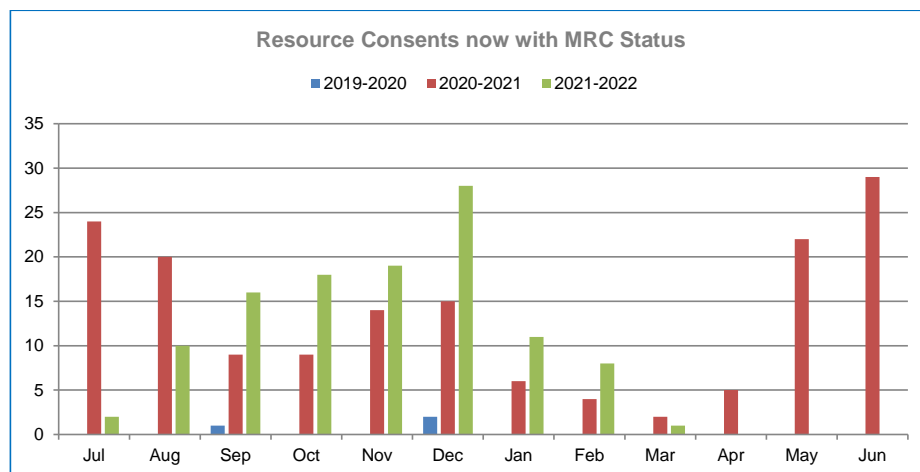
Resource Consent Monitoring

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

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

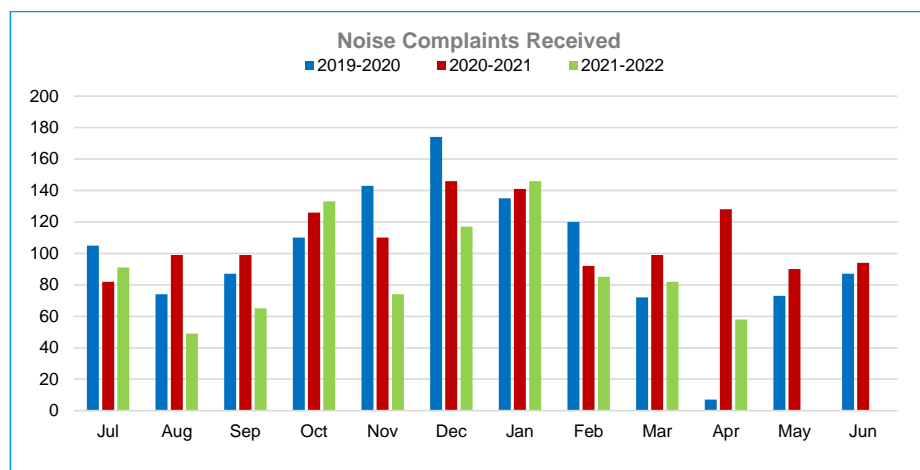
A business improvement initiative in July 2021 removed the requirement to create a new MRC application for each resource consent (RC) decision issued. The historic backlog of unmonitored MRC applications is recorded within Council's system. There are currently approximately 500 historic MRC applications going back to 2008 with a status of incomplete, or equivalent.

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

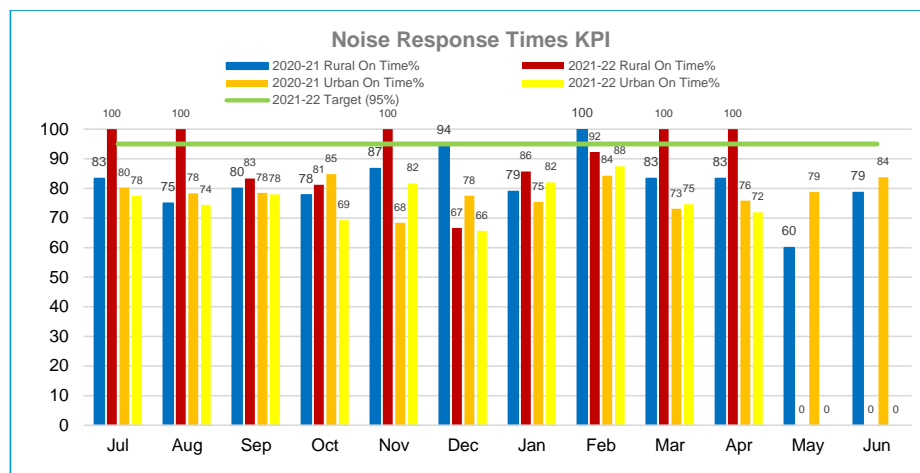


Noise

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



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

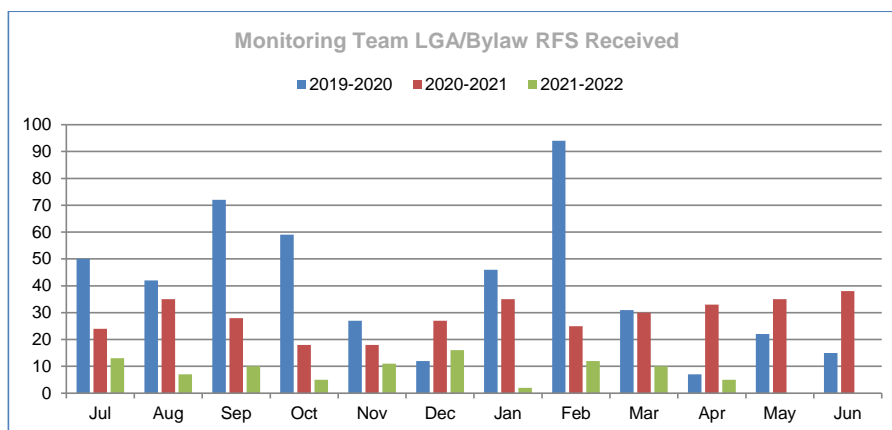


In the RMA, the term excessive noise means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted). Noise assessment by First Security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

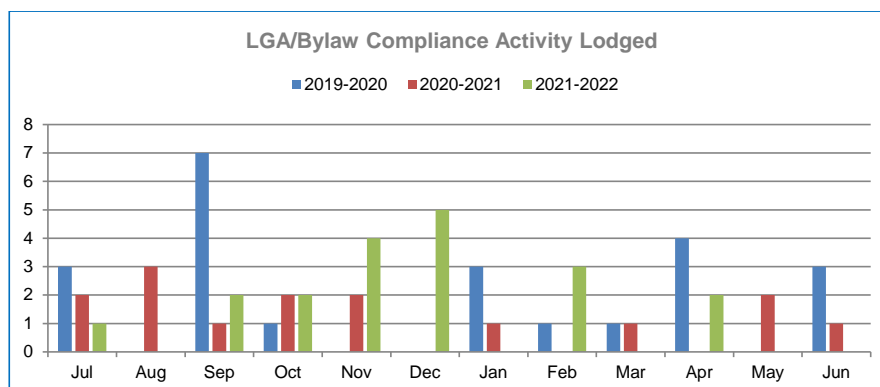
Action Taken 2021-2022	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Abatement Notice Issued	0	0	1	0	0	0	0	0	0	6
Excessive Noise Directive Issued	7	6	13	25	10	11	21	6	5	2
No Action Taken	65	38	34	77	43	72	92	59	63	38
Seizure Performed		1		4	0	0	0	0	0	0
Verbal Warning Issued	19	4	17	27	21	34	33	20	14	12
Grand Total	91	49	65	133	74	117	146	85	82	58

Local Government Act 1974/2002

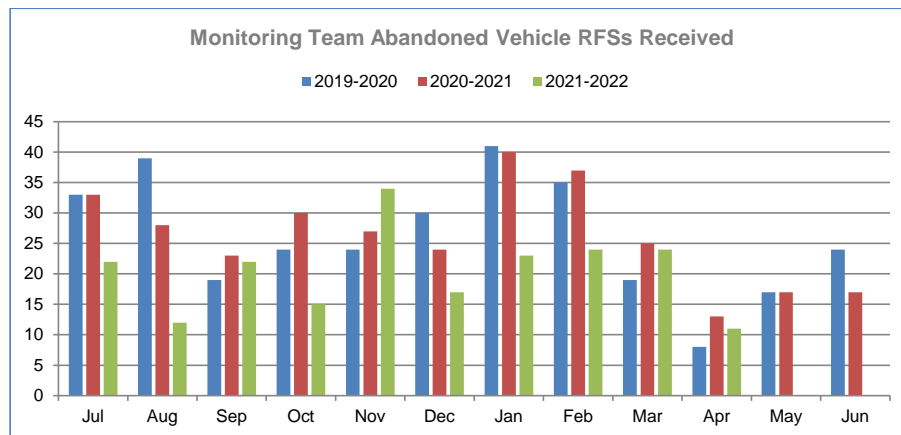
The Local Government Act (LGA) is the legislation behind most of the bylaws administered by Monitoring. The LGA can also be used for issues such as encroachments onto public places and roads. The graph on the next page shows RFSs received by Monitoring for LGA/Bylaw incidents over the last three financial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



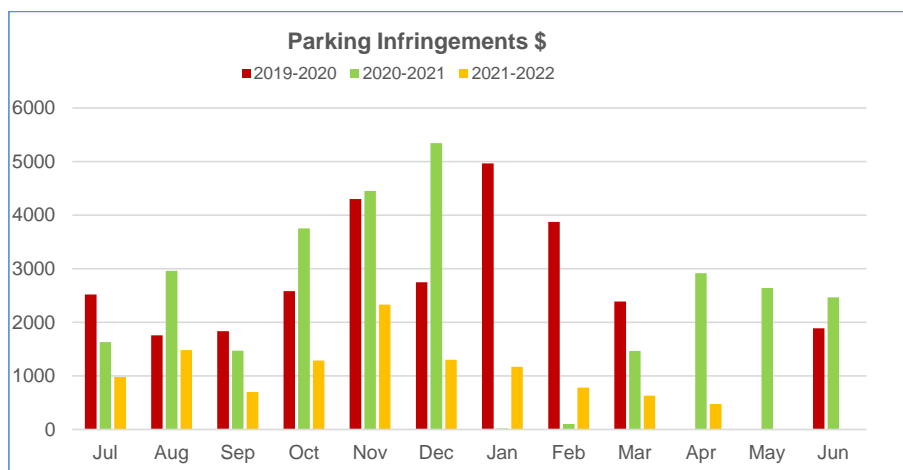
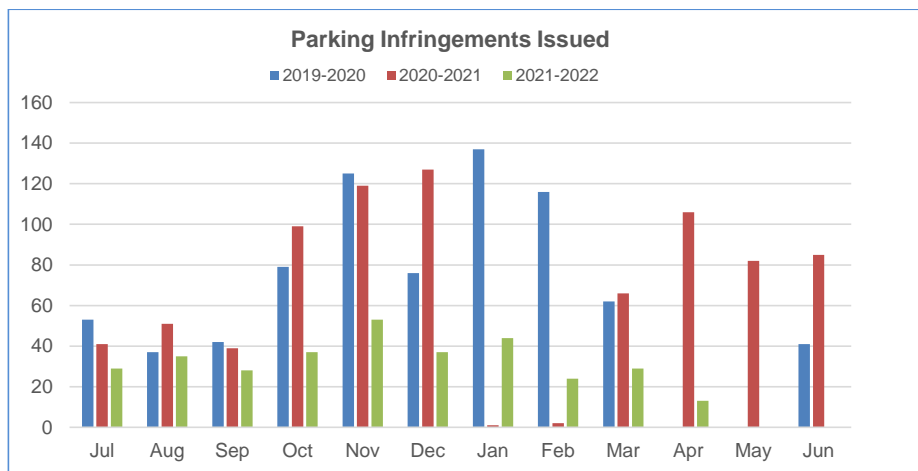
As with the RMA and all other legislation used by Monitoring, escalated investigations prompt the creation of an application in the Council system, which allows for the recording of research, evidence etc. For the LGA these applications are called 'GENBYL'. The graph below shows GENBYLs created by Monitoring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

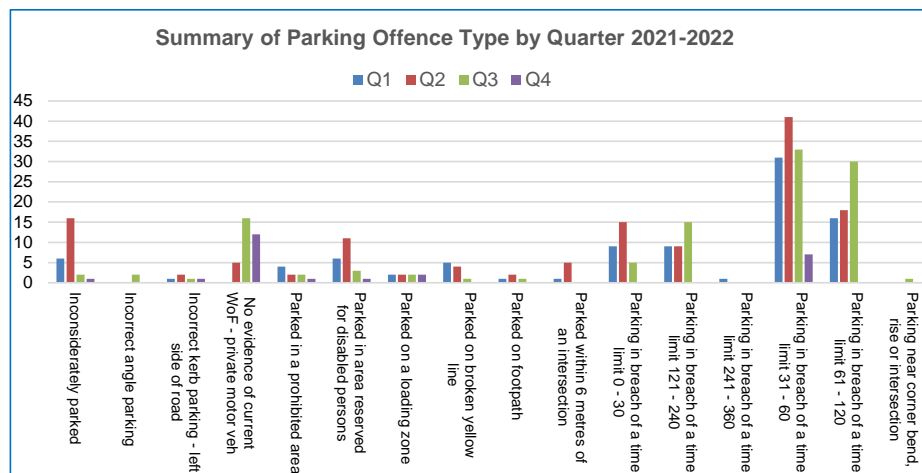


The following graph shows RFSs received for the removal of abandoned vehicles. Section 356 of the Local Government Act 1974 authorises a territorial authority to remove abandoned vehicles under certain circumstances.



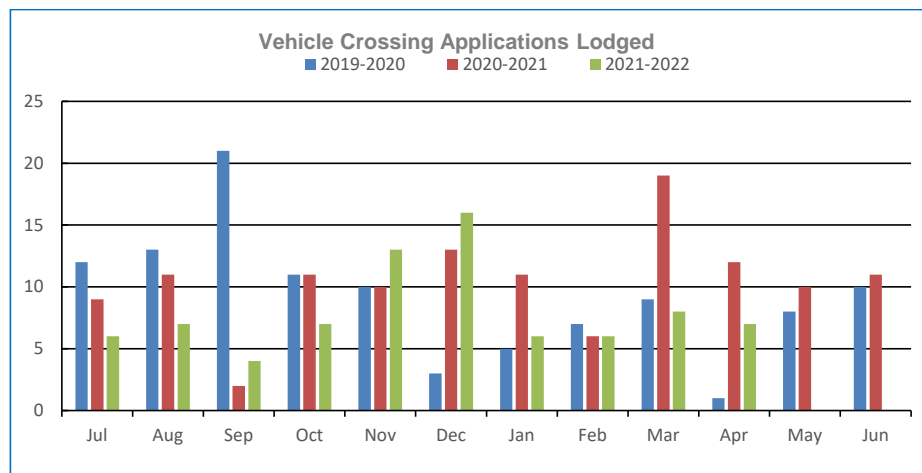
Parking





Vehicle Crossing Applications

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



Animal Management

Introduction

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

RFS Responses

236 RFSs were received for Animal Management in April 2022, 34 urgent and 202 non-urgent.

Animal Management Officers continue to respond to requests within level of service agreed times ($\geq 93\%$), with a 94% response rate recorded for urgent responses and 96% for non-urgent.

Impounded Dogs

30 dogs were impounded in April, resulting in nine being claimed by their owners, four dogs taken by a Rescue Group and three being adopted out to new homes. A total of 12 dogs were euthanised in April due to not being claimed by an owner and not meeting criteria to be rehomed.

Dog Adoptions

Three dogs were successfully adopted to new homes all within the Far North District and these were placed out as follows:

- 1 to Karikari Peninsula
- 1 to North Aupouri
- 1 to Okaihau

Dog Registration

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

There were two infringements issued in April by the Animal Management team, one for non-registration and the other for failing to keep a dog controlled.

Environmental Health Services

Introduction

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

Environmental Health Services (EHS) is responsible for:

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

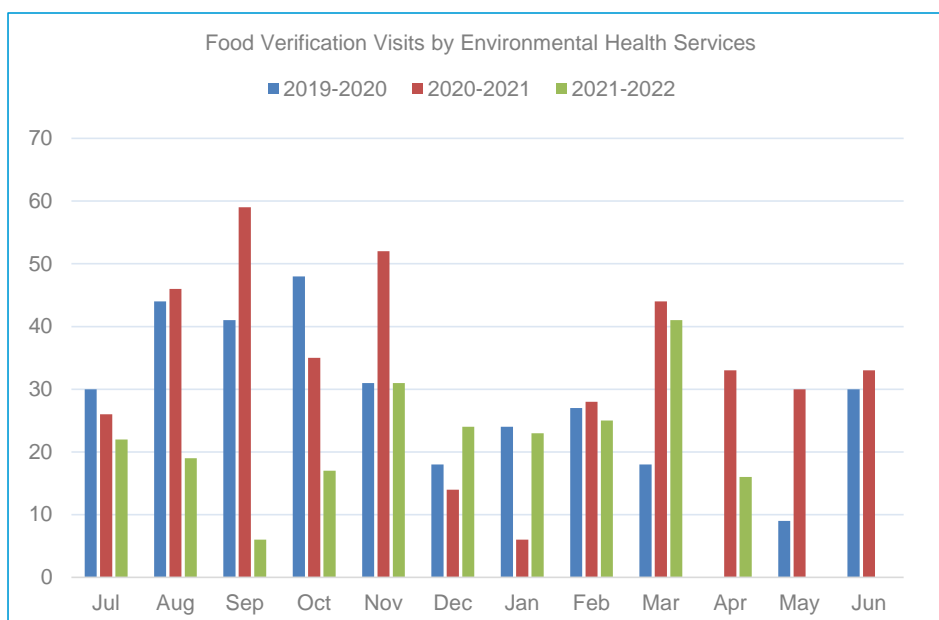
Levels of Service

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

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

Target: ≥95% **This Month:** 84.2% **Last Month:** 85.4% **Last Year:** 92%

During April 2022, 19 verifications were scheduled. Of the 19 scheduled verifications, 16 were completed. 3 verifications were cancelled, 2 being cancelled by the Operator due to Covid and 1 was cancelled due to the verifier being on leave. The cancelled verifications will be rescheduled. The following graph shows the 16 verifications completed.

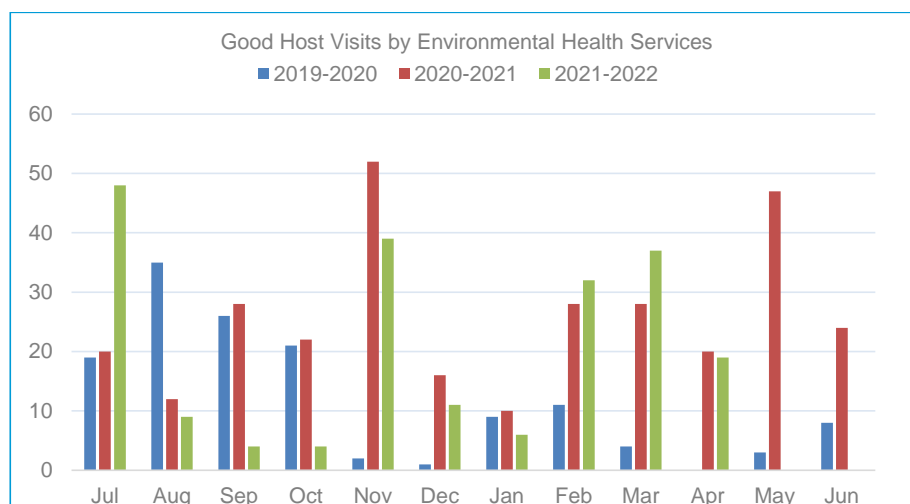


Level of service 8.4.1. All licensed premises are visited for Host Responsibility inspections at least once every four years.

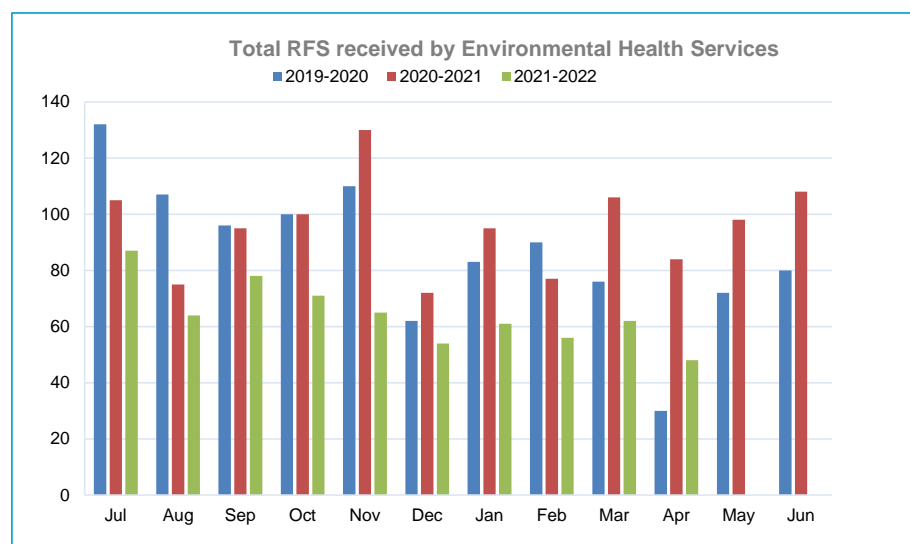
Target: ≥25% This Month: 75.4% Last Month: 67.8% Last Year: 100%

At present there are 250 licensed premises in the Far North district. 23 of these premises hold more than one alcohol licence and therefore will be visited on one occasion rather than separate visits, which will mean that EHS will complete 232 visits during 2021-2022.

During April 2022, 19 visits were completed by EHS. For the remainder of this reporting year there is a total of 50 visits to complete. The following graph shows the 19 visits completed.



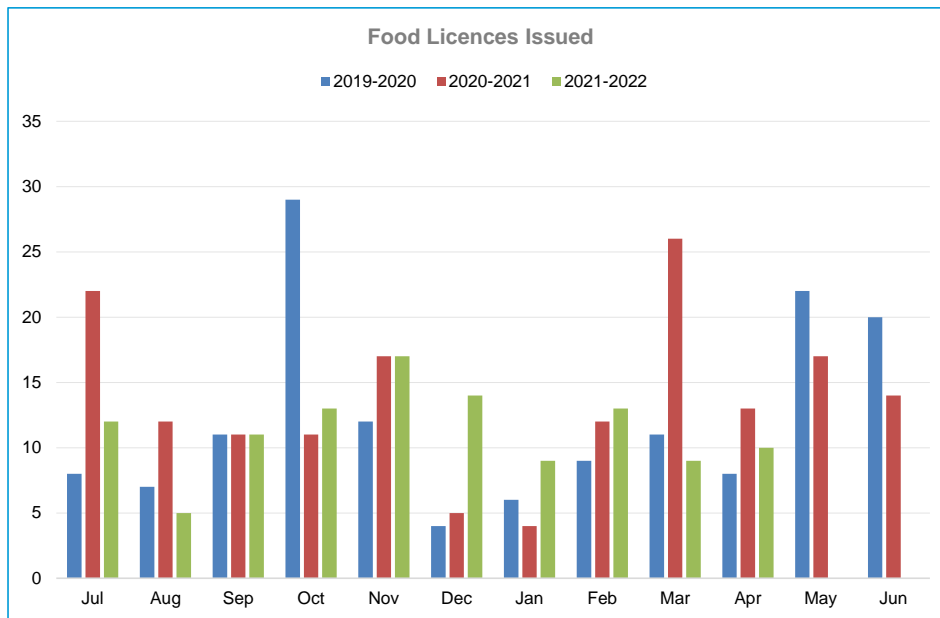
Request for Service



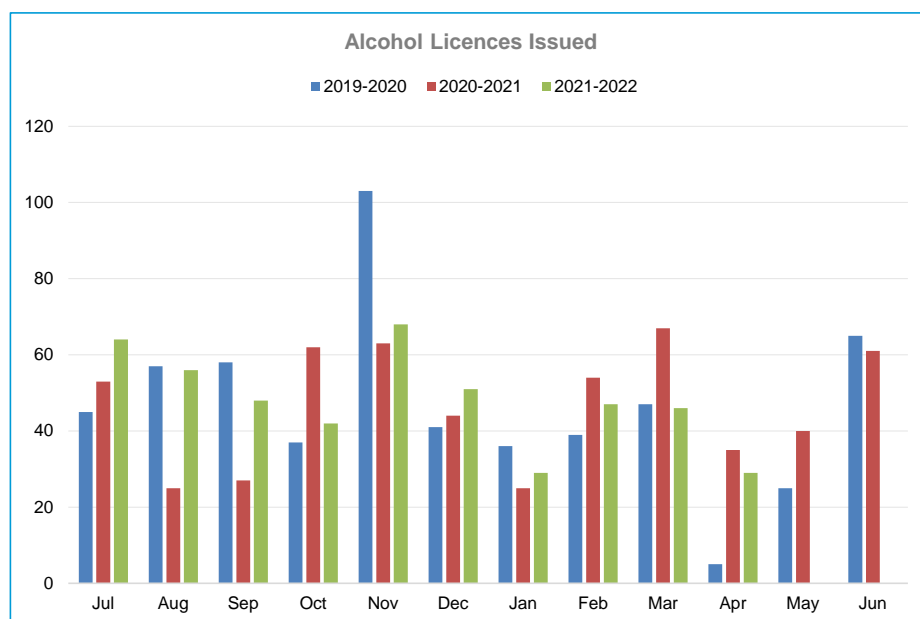
In September 2021, EHS reviewed and updated its website content. During October – December 2021 there was a noticeable decrease in the number of RFSs received. The team has ascribed the noticeable decrease in RFS

received in April 2022 to the work that was completed on website content and newsletters providing customers and applicants with the necessary information sought through a number of standard queries received.

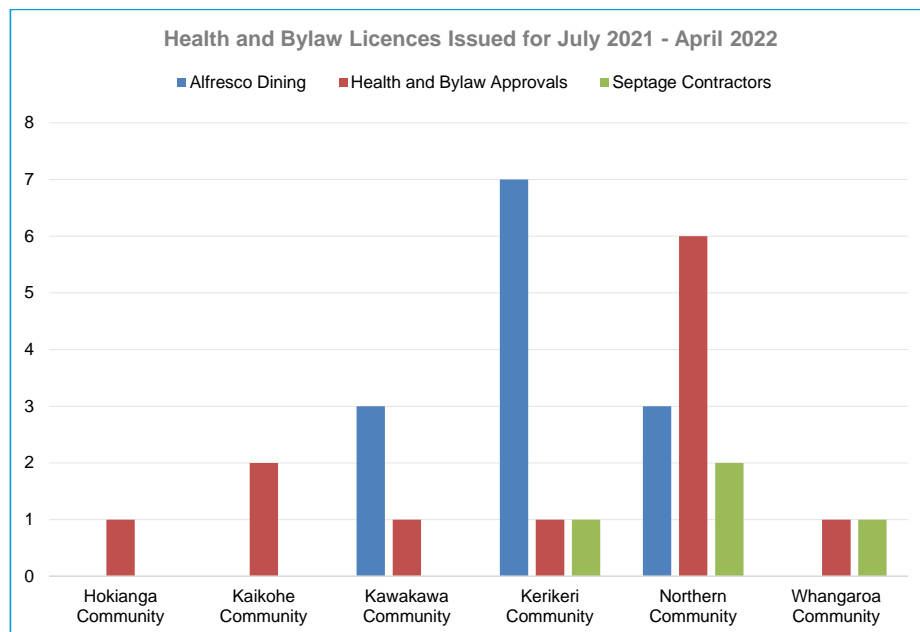
Food Registrations Issued



Alcohol Licences Issued



Health Licensing and Bylaw Approvals



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

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

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

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

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

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

Between 1 July 2021 – 31 April 2022, a total of 17 alfresco dining approvals were issued. During April 2022 there were no alfresco dining approvals issued.

During April 2022, EHS did not complete any alfresco dining inspections. However, the team will focus on completing the 17 current alfresco dining inspections by 30 June 2022.

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

Between 1 July 2021 – 31 April 2022 a total of 85 health licences were issued.

Between 1 July 2021 – 31 April 2022 the EHS have completed 71 health inspections across the district, leaving a balance of 14 inspections to complete by 30 June 2022.

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

Quarterly Food and Alcohol Licensing Newsletters

The EHS team published their Autumn food and alcohol newsletters on 5 April 2022. The Autumn newsletters provided useful information relating to trading during Easter and ANZAC but also information pertaining to licensing requirements.

The Autumn newsletters can be viewed at:

[Food](#)

[Alcohol](#)

5.5 REGULATORY COMPLIANCE COMMITTEE ACTION SHEET UPDATE JUNE 2022**File Number:** A3713621**Author:** Marlema Baker, Democracy Advisor**Authoriser:** Aisha Huriwai, Team Leader Democracy Services**TAKE PŪRONGO / PURPOSE OF THE REPORT**

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

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council staff have reintroduced action sheets as a mechanism to communicate progress against decisions/resolutions and confirm when decisions have been implemented.
- The focus of this paper is on decisions made by the Regulatory Compliance Committee.
- Action sheets are also in place for Council and Community Boards.
- There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

TŪTOHUNGA / RECOMMENDATION

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

1) TĀHUHU KŌRERO / BACKGROUND

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

Action sheets have been designed as a way to close the loop and communicate with elected members on the decisions made by way of resolution at formal meetings. Action sheets are not intended to be public information but will provide updates to elected members, who, when appropriate can report back to their communities and constituents.

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

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The outstanding tasks are multi-facet projects that take longer to fully complete. The Democracy Services staff are working with staff to ensure that the project completion times are updated so that action sheets provided to members differentiate between work outstanding and work in progress.

Take Tūtohunga / Reason for the recommendation

To provide the Regulatory Compliance Committee with an overview of outstanding committee decisions from 1 January 2020. There are no outstanding or overdue actions for the Regulatory Compliance Committee. All actions from 1 January 2020 have been completed.

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

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

ĀPITIHINGA / ATTACHMENTS

Nil

6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

7 TE KAPINGA HUI / MEETING CLOSE