



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Strategy and Policy Committee Meeting

Tuesday, 14 June 2022

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

Membership:

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

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

Purpose

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

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

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

The Committee will review the effectiveness of the following aspects:

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

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

Power to Delegate

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

Membership

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

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

Mayor Carter

Rachel Smith – Chairperson

David Clendon – Deputy Chairperson

Moko Tepania

Ann Court

Felicity Foy

Dave Collard

John Vujcich

Belinda Ward – Bay of Islands-Whangaroa Community Board

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

Quorum

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

Frequency of Meetings

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

Committees Responsibilities

The Committees responsibilities are described below:

Strategy and Policy Development

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

Service levels (non-regulatory)

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

Policies and Bylaws

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

Consultation and Engagement

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

Strategic Relationships

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

Submissions and Remits

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

Fees

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

District Plan

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

Rules and Procedures

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

Annual reporting

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

STRATEGY AND POLICY COMMITTEE - MEMBERS REGISTER OF INTERESTS

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

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

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

| Name | Responsibility (i.e. Chairperson etc) | Declaration of Interests | Nature of Potential Interest | Member's Proposed Management Plan |
|------|--------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| | Bay of Islands College | Parent Elected Trustee | None perceived | If there was a conflict, I will step aside from decision making |
| | Karetu School | Parent Elected Trustee | None perceived | If there was a conflict, I will step aside from decision making |
| | Māori title land – Moerewa and Waikare | Beneficiary and husband is a shareholder | None perceived | If there was a conflict, I will step aside from decision making |
| | Sister is employed by Far North District Council | | | Will not discuss work/governance matters that are confidential |
| | Gifts - food and beverages | Residents and ratepayers may 'shout' food and beverage | Perceived bias or predetermination | Case by case basis |
| | Taumarere Counselling Services | Advisory Board Member | May be perceived conflicts | Should conflict arise, step aside from voting |
| | Sport Northland | Board Member | May be perceived conflicts | Should conflict arise, step aside from voting |
| | He Puna Aroha Putea Whakapapa | Trustee | May be perceived conflicts | Should conflict arise, step aside from voting should they apply for funds |
| | Kawakawa Returned Services Association | Member | May be perceived conflicts | Should conflict arise, step aside from voting should they apply for funds |
| | Whangaroa Returned Services Association | Member | May be perceived conflicts | Should conflict arise, step aside from voting should they apply for funds |
| | National Emergency Management Advisor Committee | Member | | Case by case basis |
| | Te Rūnanga ā Iwi o Ngāpuhi | Tribal affiliate member | As a descendent of Te Rūnanga ā Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā Iwi o Ngāpuhi Council relations | Declare a perceived conflict should there appear to be one |
| | Te Rūnanga ā Iwi o Ngāti Hine | Tribal affiliate member | Could have a perceived conflict of interest | Declare a perceived conflict should I |

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

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

Far North District Council
Strategy and Policy Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 14 June 2022 at 9:30 am

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

Nick Brunsdon – Speaking to Item 6.1 Far North District Population Projections

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3709859

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

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

RECOMMENDATION

That the Strategy and Policy Committee agrees that the minutes of the meeting held 3 May 2022 be confirmed as a true and correct record.

1) BACKGROUND

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

2) DISCUSSION AND OPTIONS

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

Reason for the recommendation

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

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision.

ATTACHMENTS

1. 2022-05-03 Strategy and Policy Committee Minutes - A3691839 [↓](#) 

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. |

Strategy and Policy Committee Meeting Minutes

3 May 2022

**MINUTES OF FAR NORTH DISTRICT COUNCIL
STRATEGY AND POLICY COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 3 MAY 2022 AT 9:31 AM**

PRESENT: Chair Rachel Smith, Cr David Clendon, Mayor John Carter (HWTM) (*virtually*), Deputy Mayor Ann Court, Cr Dave Collard, Cr Felicity Foy (*virtually*), Cr Kelly Stratford, Cr Moko Tepania (*virtually*), Cr John Vujcich, Member Belinda Ward

IN ATTENDANCE: William J Taylor, MBE (General Manager Corporate Services), Andy Finch (General Manager Infrastructure and Asset Management), Darren Edwards (General Manager Strategic Planning and Policy)

1 KARAKIA TIMATANGA – OPENING PRAYER

Chair Rachel Smith commenced the meeting and Cr Stratford opened with a karakia.

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

2.1 APOLOGIES AND DECLARATIONS OF INTEREST

RESOLUTION 2022/20

Moved: Chair Rachel Smith

Seconded: Cr John Vujcich

That the Strategy and Policy Committee receive an apology from His Worship the Mayor and grant a leave of absence.

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

- Brent Eastwood and Anna Marwick - representing Sport Northland
- Liz Moncrieff – representing the Ministry for the Environment – document number A3694753 refers.
- Cr Karen Joyce-Paki, Janet Hoek, Bridgette Rowse, Rebecca Gilbert – representing Kaipara District Council speaking to item 5.5 Kaipara District Council Vaping Remit 2022.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3675177, pages 16 - 21 refers.

RESOLUTION 2022/21

Moved: Cr John Vujcich

Seconded: Cr Dave Collard

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

CARRIED

5 REPORTS

5.1 NEW EASTER SUNDAY SHOP TRADING POLICY CONSULTATION

Agenda item 5.1 document number A3631374, pages 22 - 31 refers.

RESOLUTION 2022/22

Moved: Cr Kelly Stratford

Seconded: Member Belinda Ward

That the Strategy and Policy Committee:

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

CARRIED

5.2 CLIMATE CHANGE POLICY OPTIONS REPORT

Agenda item 5.2 document number A3641211, pages 32 - 71 refers

RESOLUTION 2022/23

Moved: Cr John Vujcich

Seconded: Cr Kelly Stratford

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

CARRIED

Meeting adjourned 11:01 am – resumed 11:20 am

Cr John Vucich left the meeting at 11:01 am – returned 11:23 am

5.3 PARKING BYLAW - RECOMMENDATIONS FOR MAKING NEW BYLAW

Agenda item 5.3 document number A3641431, pages 72 - 75 refers

RESOLUTION 2022/24

Moved: Cr Kelly Stratford

Seconded: Cr Dave Collard

That the Strategy and Policy Committee recommend that Council:

- a) approves, the recommendations in the staff report on submissions to the Parking Bylaw that:
 - i) No changes are made to clauses 1, 3, 11, 19, 21 and 22
 - ii) Clauses 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 20 are amended to

Page 2

Strategy and Policy Committee Meeting Minutes

3 May 2022

improve certainty and clarity as per the recommendations in section 4.1 of the staff report *Analysis of Submissions – Parking* in attachment 1

- iii) Schedule 1 is amended to extend the bus stop at the end of Kerikeri Road
- b) make the Parking Bylaw in attachments 3 to 8 under section 22AB of the Land Transport Act 1998.
- c) approve, to revoke the Parking and Traffic Control Bylaw on the same day the Parking Bylaw comes into force.

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Member Belinda Ward

- d) ~~Remove “NO PARKING or STANDING” at all times from community building at Te Pokapu; Include Mobility (disabled parking) and other time limited parking in the local road portion of 71 Gillies Street, Kawakawa and the BOI Vintage Railway Station; include off road parking at Te Hononga, Kawakawa.~~

withdrawn by Cr Stratford/Member Ward

SUSPENSION OF STANDING ORDERS

Moved: Chair Rachel Smith

Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee suspend standing order 20 – General Rules of debate.

CARRIED

Meeting adjourned at 11:37 am

Meeting resumed at 12:00 pm

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Chair Rachel Smith

- d) *Request that the next opportunity to review the bylaw, incorporate the following points:*

1. *Remove “NO PARKING or STANDING” at all times from community building at Te Pokapu;*
2. *Include Mobility (disabled parking) and other time limited parking in the local road portion of 71 Gillies Street, Kawakawa and the BOI Vintage Railway Station;*
3. *include off road parking at Te Hononga, Kawakawa.*
4. *Waipapa Loop Road.*
5. *Parklets.*
6. *Kaikohe-Hokianga.*

- e) *Note that;*

1. *staff are working on scheduling a workshop for further discussion (including enforcement)*
2. *input will be sought from Community Boards to ensure community feedback can be incorporated.*
3. *Further amendments can be submitted through Community Boards or workshop to be finalised within a four month period*

CARRIED

The amendments became the substantive motion.

RESOLUTION 2022/25

Moved: Cr Kelly Stratford

Seconded: Cr Dave Collard

That the Strategy and Policy Committee recommend that Council:

- a) approves, the recommendations in the staff report on submissions to the Parking Bylaw that:
 - i) No changes are made to clauses 1, 3, 11, 19, 21 and 22
 - ii) Clauses 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 20 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report *Analysis of Submissions – Parking* in attachment 1
 - iii) Schedule 1 is amended to extend the bus stop at the end of Kerikeri Road
- b) make the Parking Bylaw in attachments 3 to 8 under section 22AB of the Land Transport Act 1998.
- c) approve, to revoke the Parking and Traffic Control Bylaw on the same day the Parking Bylaw comes into force.
- d) Request that the next opportunity to review the bylaw, incorporate the following points:
 - 1. remove “NO PARKING or STANDING” at all times from community building at Te Pokapu;
 - 2. include Mobility (disabled parking) and other time limited parking in the local road portion of 71 Gillies Street, Kawakawa and the BOI Vintage Railway Station;
 - 3. include off road parking at Te Hononga, Kawakawa.
 - 4. Waipapa Loop Road.
 - 5. Parklets.
 - 6. Kaikohe-Hokianga.
- e) Note that;
 - 1. staff are working on scheduling a workshop for further discussion (including enforcement)
 - 2. input will be sought from Community Boards to ensure community feedback can be incorporated.
 - 3. *Further amendments can be submitted through Community Boards or workshop to be finalised within a four month period*

RESUMPTION OF STANDING ORDERS

Moved: Chair Rachel Smith

Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee resume standing orders 20 – General Rules of Debate.**CARRIED**

Cr Moko Tepania left the meeting 12:13 pm – returned 12:20 pm

5.4 ROAD USE BYLAW - RECOMMENDATIONS FOR MAKING NEW BYLAW

Agenda item 5.4 document number A3657126, pages 179 - 184 refers

RESOLUTION 2022/26

Moved: Deputy Mayor Ann Court

Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee recommend that the Council:

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

AMENDMENT

Moved: Cr Felicity Foy

~~f) Include in the bylaw, a note about how paper roads are addressed in the bylaw and will be addressed in practice.~~

~~g) Include in the bylaw a definition of parklets, and that these will be enabled in town centres, pending community board approval.~~

Strategy and Policy Committee Meeting Minutes

3 May 2022

Failed to secure a seconder**CARRIED****5.5 ENDORSEMENT OF KAIPARA DISTRICT COUNCIL VAPING REMIT FOR ZONE 1 MEETING 9 MAY 2022**

Supplementary Agenda item 5.5 document number A3688043, pages 4 - 40 refers.

RESOLUTION 2022/27

Moved: Cr Kelly Stratford

Seconded: Deputy Mayor Ann Court

That the Strategy and Policy Committee endorse the Kaipara District Council Vaping Remit 2022.Abstained: Member Belinda Ward**CARRIED****6 INFORMATION REPORTS****6.1 RESIDENT OPINION SURVEY - 2021-22**

Agenda item 6.1 document number A3619362, pages 305 - 307 refers

MOTION

Moved: Cr John Vujcich

Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee receive the report Resident Opinion Survey - 2021-22.

AMENDMENT

Moved: Deputy Mayor Ann Court

Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee leave this item lie on the table until the next meeting.**CARRIED
LEFT TO LIE****6.2 STRATEGIC PLANNING & POLICY BUSINESS QUARTERLY JANUARY - MARCH 2022**

Agenda item 6.2 document number A3667408, pages 308 - 334 refers

RESOLUTION 2022/28

Moved: Chair Rachel Smith

Seconded: Cr John Vujcich

That the Strategy and Policy Committee receive the report Strategic Planning & Policy Business Quarterly January - March 2022.**CARRIED**

Page 6

6.3 NATURAL AND BUILT ENVIRONMENTS ACT FURTHER FEEDBACK TO THE MINISTRY FOR THE ENVIRONMENT.

Agenda item 6.3 document number A3612973, pages 335 - 348 refers

RESOLUTION 2022/29

Moved: Cr John Vujcich

Seconded: Member Belinda Ward

That the Strategy and Policy Committee receive the report Natural and Built Environments Act further feedback to the Ministry for the Environment.

CARRIED

6.4 MANA WHAKAHONO-Ā-ROHE / IWI PARTICIPATION ARRANGEMENT WITH TE RŪNANGA-Ā-IWI-Ō-NGĀPUHI

Agenda item 6.4 document number A3666679, pages 349 - 351 refers

RESOLUTION 2022/30

Moved: Cr Kelly Stratford

Seconded: Chair Rachel Smith

That the Strategy and Policy Committee receive the report Mana Whakahono-ā-Rohe /Iwi Participation Arrangement with Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi.

CARRIED

6.5 COMPLETION OF THE DRAFT DISTRICT PLAN AND TIMETABLE FOR NOTIFICATION

Agenda item 6.5 document number A3669269, pages 352 - 354 refers

RESOLUTION 2022/31

Moved: Deputy Mayor Ann Court

Seconded: Cr John Vujcich

That the Strategy and Policy Committee receive the report Completion of the Draft District Plan and Timetable for Notification

CARRIED

Cr Kelly Stratford left the meeting 1:25 pm – returned 1:28 pm

6.6 BI-ANNUAL SPORT NORTHLAND REPORT - 1 JULY 2021 TO 30 DECEMBER 2021

Agenda item 6.6 document number A3675344, pages 355 - 356 refers

RESOLUTION 2022/32

Moved: Cr John Vujcich

Seconded: Chair Rachel Smith

That the Strategy and Policy Committee receive the report Bi-Annual Sport Northland Report - 1 July 2021 to 30 December 2021.

CARRIED

Strategy and Policy Committee Meeting Minutes

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Tabled Papers:Sport Northland FNDC Activity Report 1Jul-31Dec 2021 [Objective ID A3694684](#)Sport Northland Photos [Objective ID A3694778](#)

Cr Moko Tepania left the meeting 1:34 pm

Cr Kelly Stratford left the meeting 1:35 pm – returned 1:36 pm

6.7 STRATEGY AND POLICY ACTION SHEET UPDATE APRIL 2022

Agenda item 6.7 document number A3675231, pages 357 - 358 refers

RESOLUTION 2022/33

Moved: Chair Rachel Smith

Seconded: Deputy Mayor Ann Court

That the Strategy and Policy Committee receive the report Action Sheet Update for April 2022.**CARRIED****7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Cr Rachel Smith closed the meeting with a karakia.

8 TE KAPINGA HUI / MEETING CLOSE**The meeting closed at 1:40 pm.****The minutes of this meeting will be confirmed at the Strategy and Policy Committee Meeting held on 14 June 2022.**.....
CHAIRPERSON

5 REPORTS

5.1 PROPOSED FAR NORTH DISTRICT PLAN – PUBLIC NOTIFICATION

File Number: A3722637

Author: Greg Wilson, Manager - District Planning

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

TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek elected member authorisation for the public notification of the Proposed Far North District Plan.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- We recommend that the Council publicly notify the Proposed Far North District Plan (PDP) for public submissions.
- Council has a legal obligation to have a district plan and review that plan. A plan review involving engagement, refinement of plan policies and methods and alignment with higher order planning instruments has taken place and the PDP is now ready for notification.
- There has been significant community and stakeholder input into the development of the PDP. The provision of a draft policy framework, subsequent provision of a full draft plan and additional targeted engagement on key draft plan content has allowed for informal community feedback.
- Updating the District Plan framework will ensure that the District is better equipped to manage and plan for growth, supporting resilience, safeguarding communities and development from the effects of climate change, and protecting cultural and natural resources.
- The plan gives effect to a range of higher order planning instruments that have been formulated and introduced over the last 10 years and in this sense, represents an up to date, fit for purpose direction delivering cohesion and integration across planning processes. This includes national direction instruments such as the New Zealand Coastal Policy Statement 2010 and regional planning instruments such as the Regional Policy Statement for Northland (RPS) 2016.
- Notifying the PDP does not represent a conclusion to the plan making process, but a shift from preliminary and informal engagement to a more formal stage inviting further iwi, community, and stakeholder participation. This is not the conclusion but a shift to an important and inclusive process, providing the opportunity for the public to make submissions, further submissions and participate in hearings.
- The next steps are to prepare for the public notification of the PDP. This will initiate the formal consultation process and provide the opportunity for the public to make submissions.

TŪTOHUNGA / RECOMMENDATION

That having considered all matters raised in the report, the Council:

- a) approves the Proposed District Plan and associated section 32 reports for public notification pursuant to Schedule 1 of the Resource Management Act 1991.**
- b) authorises the Mayor, Chairperson of the Strategic Planning and Policy Committee and Chief Executive to make any minor editorial or technical amendments to the Proposed District Plan and associated section 32 reports deemed necessary before public notification.**

1) TĀHUHU KŌRERO / BACKGROUND

1. The Far North District Council (Council) is required by the Resource Management Act 1991 (RMA) to have a district plan in place for the Far North District, and to review the district plan

at least every ten years. The current Far North District Plan (ODP) was made operative on 14 September 2009. Since that time, it has been subject to 19 plan changes (both Council initiated and private) and a range of minor changes, including changes in response to national direction.

2. Council initiated a comprehensive review of the Operative Plan in 2015. This has involved engagement with the district's community, tangata whenua and stakeholders to identify the key issues that needed to be addressed by the district plan to help set the platform for the future growth and development of the District. Engagement, input and drafting of a new plan has continued to occur and Council authorisation is now sought for notification of a Proposed District Plan (PDP) <https://farnorth.isoplan.co.nz/eplan/internal.html> .
3. The PDP will guide the sustainable management of natural and physical resources in the District to provide for the well-being of current and future generations. It is a forward-looking document that manages use and development of the natural and physical resources, while protecting the interests and opportunities of current and future generations to utilise those resources in a sustainable way. The PDP sets out a range of objectives, policies, rules and methods that provides a framework under which the subdivision, use and development of land can occur.
4. The PDP has been designed to align with a range of national and regional directions that have direct implications for far north communities. This includes the New Zealand Coastal Policy Statement (NZCPS) and the Regional Policy Statement for Northland (RPS). The PDP has been prepared in accordance with new national planning standards, changing the structure of the plan and incorporating mandatory content.
5. The Plan must also play a role in representing a new strategic direction for the district. The plan's ten-year lifespan must bring together strands from Council's long term strategic direction that will be represented in FN2100 whilst demonstrating how we can meet our statutory requirements to ensure that the supply of zoned land and infrastructure meets the district's expected demands for housing and business land.
6. There is a body of technical analysis and evaluation against regulatory requirements contained in a suite of evaluation reports to support the PDP (Section 32 Reports). These reports are designed to be read with the PDP as planning assessment and technical evidence supporting the provisions in the PDP. The Section 32 reports represent an evaluation of appropriateness of proposed plan objectives and methods to achieve those objectives. There are 36 reports covering each section of the District Plan and these are provided with this agenda to support the PDP <https://www.fndc.govt.nz/section32>.

Community Engagement

7. There has been significant Iwi, community and stakeholder input into the development of the PDP. The provision of a draft policy framework, subsequent provision of a full draft plan and additional targeted engagement on key draft plan content has allowed for informal community feedback. This has involved both consultation processes, testing of provisions and on-going discussion. A synopsis of Iwi and community engagement is provided at **Attachment 1**.

Responsiveness to Feedback and Plan Development

8. Plan development has followed a pattern of consultation, policy development, sharing of draft content, further discussion and refinement of policies and plan methods. The key issues shared and progressive development of plan content is summarised in **Attachment 2**.

Key changes from the Operative District Plan

9. Further plan amendments, refinement and alignment were made in response to feedback during the draft plan stage and targeted engagement. The key differences for the PDP, when compared to the ODP, are summarised below:

General approach

- A shift from an effects-based approach to an activities-based approach to ensure that all potential activities in the District establish in the appropriate zone.

Tangata whenua

- A new Māori Purpose Zone that enables papakāinga, customary use and other social, cultural and economic development opportunities on Māori land
- A Treaty settlement overlay, which applies to land that has been returned to iwi through the settlement process either as cultural or economic redress.
- Associated provisions that acknowledge the relationship tangata whenua has with their land, and seeks to enhance social, cultural, and economic development of tangata whenua.
- New provisions in the Sites and Areas of Significance to Māori chapter to identify and protect the cultural significance of the Te Oneroa-a-Tōhe Beach Management Plan Area.

Response to growth

- Provision for future growth in the district and more intensive development in urban areas by introducing:
 - new mixed-use zones in town centres to replace commercial zones providing for housing in these centres.
 - provisions allowing for multi-unit development in the general residential zone enabling a mix of housing typologies, including apartments and terraced housing.
- A new rural residential zone surrounding most urban areas that provides for greater density rural residential development and provision for minor residential units.

District-Wide matters

- New objectives, policies and rules for district wide matters including infrastructure, subdivision, earthworks, transport, renewable electricity generation, noise, light, and signs.
- New methods for the identification and protection of valued landscapes, natural features, and areas of high natural character in the coastal environment.

Natural hazards and risk management

- A new land instability approach that requires assessment at the time of subdivision, with rules linked to a new definition that identified unstable land. The rules result in additional restrictions for properties developing land that has a instability hazard.
- A new risk-based approach to managing flood natural hazards including coastal hazards, and flooding hazards. New flood and hazard maps developed by the Northland Regional Council are included in the plan along with objectives, policies, and methods to manage land use and subdivision in locations affected by hazards. The rules result in additional restrictions for properties located in identified hazard areas.
- A new risk-based approach to managing wildfire risk, with rules applying to vulnerable activities (e.g. dwellings, care facilities, marae rather than just controlling risk to dwellings

Managing Rural land use and subdivision

- Strengthening of rural subdivision provisions to prevent inappropriate land fragmentation and preserve highly productive land for primary production activities.

- Activity based rules to minimise incompatible activities in rural zones that may compromise primary production activities.
- A new rural lifestyle zone that enables rural-lifestyle blocks
- A new horticulture special purpose zone around parts of Kerikeri and Waipapa to:
 - protect the significant established horticulture industry and supporting water infrastructure
 - providing for its growth due to its high economic contribution to the District.
 - Preserve this highly productive land for horticultural uses.

Historic Heritage

- Retaining existing heritage area overlay areas which apply to a significant cluster of known, heritage sites, buildings, objects, archaeological sites, Sites and Areas of Significance to Māori and Outstanding Natural Landscapes or Features with specific controls to protect historic heritage
- New rules to manage activities within proximity to scheduled heritage resources.
- Change for Rangihoua Heritage Overlay area from an alert layer to a statutory layer
- A two-tier method for some areas (Kerikeri, Manganui-Rangitoto, Rawene, Paihia) which includes a more restrictive framework in core areas of highest heritage value, and a less restrictive framework in other identified area.
- A bespoke method for Kororaka Russell which retains Operative District Plan approach (retains the Strand, Wellington Street and Christ Church areas) and the Kororaka Russell Township Special Zone.
- Expanded heritage overlay area of Te Waimate, and removal of the Waimate North Special Zone (to Rural production zone).
- Expanded heritage overlay area for Porirua.

Ecosystems and Indigenous biodiversity

- Methods to protect and manage indigenous biodiversity without including maps of significant natural areas in the in the notified proposed plan. Instead, Council has introduced general rules for clearance of indigenous vegetation that meets significance criteria.
- Options for landowners to nominate significant natural areas to be mapped in the District Plan for protection.
- A subdivision framework with provisions based on environmental benefit, providing for additional lots where significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected.

Designations Update

10. The making of the PDP has incorporated a process for designations to be updated. Designations may be imposed for a public work, or for the safe or efficient functioning or operation of a public work. Designations can be sought by a Minister of the Crown, a local authority, or a requiring authority approved under the Act.
11. There are 191 designations included in the Proposed District Plan. Of these 146 were rolled over from the ODP with modification, 43 rolled over without modification, 1 designation has been removed and 2 new designations have been introduced.

Engineering Standards and Documents Incorporated by Reference

12. Consultation on Documents Incorporated by Reference to the PDP, including new Engineering Standards, a document incorporated by reference to the proposed district plan, has been undertaken. This has been a necessary step prior to the notification of the proposed district plan, in accordance with the requirements of clause 34 of Schedule 1 of the RMA.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

13. This report identifies and assesses the following reasonably practicable options for addressing the matter. These two options have been assessed together:

Option 1: Publicly notify the Proposed District Plan for public submissions.

Option 2: Do not publicly notify the Proposed District Plan as recommended for formal submissions.

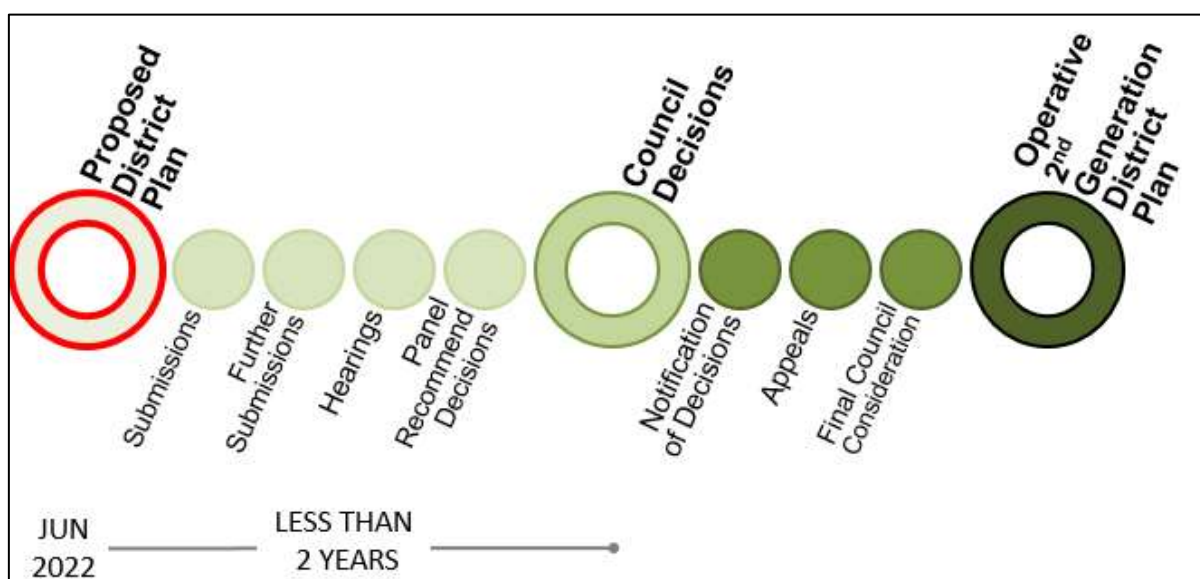
14. **Option 1** publicly notify the Proposed District Plan for public submissions, is considered the most appropriate option for the following reasons:

Take Tūtohunga / Reason for the recommendation

15. There has been significant community and stakeholder input into the development of the PDP. The provision of a draft policy framework, subsequent provision of a full draft plan and additional targeted engagement on key draft plan content has allowed for informal community feedback over the past seven years.
16. Updating the District Plan framework will ensure that the District is better equipped to manage and plan for growth, supporting resilience, safeguarding communities and development from the effects of climate change and protecting cultural and natural resources.
17. The plan gives effect to a range of higher order planning instruments that have been formulated and introduced over the last 10 years and in this sense, represents an up to date, fit for purpose direction delivering cohesion and integration across planning processes. This includes national direction instruments such as the New Zealand Coastal Policy Statement 2010 and regional planning instruments such as the Northland Regional Council Regional Policy Statement 2016.
18. Notifying the plan progresses does not represent a conclusion to the plan making process, but a shift from preliminary and informal engagement to a more formal stage inviting further iwi, community, and stakeholder participation. Notification allows for submissions, further submissions and Hearings on decisions requested by submitters. This is a highly participatory and deliberative process and ensures that the making of the new plan can deliver a plan that best meets the needs of far north communities.
19. This level of community participation and elective member involvement is not considered to be represented in the next suite of land use and environmental planning legislation that will replace the RMA. On this basis, this opportunity to fully immerse the far north community in making the planning instrument aimed at achieving sustainable management for at least the next seven to ten years is extremely valuable.
20. If the Proposed District Plan is not publicly notified the Council will not be meeting its obligations under the RMA to review its District Plan.
21. The Proposed District Plan is consistent with the Councils Strategies, Policies and Plans, including the community vision set out in FN2100. Decisions through the District Plan process may require consideration in future Long Term Plan processes. Consideration will need to be given to the impact on current incentive policies, particularly around Significant Natural Areas and Heritage resources.
22. A key disadvantage of not publicly notifying the District Plan is that the out-dated Operative District Plan will continue to be applied, not delivering the key community outcomes and strategic directions for the District.

Next Steps

23. Should Council choose to authorise notification of the PDP, the next step is to prepare for the public notification of the Proposed District Plan for public submissions. Time is required to prepare targeted notification letters in addition to the general notification to the wider community.
24. Preparation for notification will be undertaken approximately within the next four weeks, followed by the formal public notification of the Proposed District Plan for submissions. This is a formal process under the RMA.
25. The Proposed Plan is required to be open for submissions for a period of at least 40 working days (Clause 5((3)(a) of Schedule 1 RMA). We propose a period of 60 working days. Any person can make a submission on the Proposed District Plan. There is the opportunity to make a submission in the e-plan using the electronic submission tool. A timeline is set out below:



26. An integrated awareness and engagement programme has been developed to support the public notification process. This will include the following:
 - District wide notification to ratepayers.
 - Inclusion of public notices in publications, including a summary of the key changes between the ODP and PDP.
 - Targeted letters to those directly affected by major changes (including those matters that have immediate legal effect and major re-zonings) and key stakeholders.
 - Roadshow sessions joined with the elections caravan where people can ask a planner about the proposed changes.
 - The promotion of a 'friend of the submitter' service aimed at assisting individuals with the submissions process.
27. The consultation programme will encourage residents to use the e-plan to search for information on their property and to have their say by making a submission.
28. At the close of the submission period, Council will notify a summary of submissions for further submissions.
29. Any submitter has the right to be involved at PDP hearings, with a programme to be carried out over a period of months. There are different options for hearing and making decisions on submissions, which will need to be determined by the Council.
30. The Council then has a period up to two years after public notification of the PDP to make a decision, where any decision of the Council can be appealed to the Environment Court.

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

Council has a legal obligation to have a district plan and review that plan. Ongoing engagement, refinement of plan content and notification of the plan and associated statutory processes will continue to draw on staff resource and allocated budget for district plan processes, including the use of external specialists.

ĀPITI HANGA / ATTACHMENTS

1. **Attachment 1 - Synopsis of Iwi and Community Engagement - A3734331** [↓](#) 
2. **Attachment 2 - Responsiveness to Feedback and Plan Development - A3734332** [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

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

1. A Local authority must, during 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, consider the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | The level of significance associated with notification of the proposed plan is considered low, as it is part of a programmed consultative method to promote awareness in plan making |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | Resource Management Act 1991 – Sections 32, 74,75, 79, Schedule 1 |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | The proposal has District wide relevance, as the District Plan and submissions management for plan and policy making generally affect the entire District. |
| State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | Iwi engagement has been continuous through the various stages of the making of the PDP. Council is required to fulfil obligations to consult with tangata whenua under section 32 and Schedule 1 of the RMA. Further consultation on the PDP via the formal submissions process will continue. |
| Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities). | Plan making involves public participation at different stages of plan development. The development of the plan has offered innovative means to gather a broad spectrum of community involvement including digital engagement, a series of 18 separate information sessions across the district and attendance as special interest forums. |
| State the financial implications and where budgetary provisions have been made to support this decision. | The development of the proposed district plan has conformed to the budgetary allocation for the development of the plan. |
| Chief Financial Officer review. | The Chief Financial Officer has reviewed this report. |



Attachment 1 - Synopsis of Iwi and Community Engagement

1. The following is a synopsis of the consultation and engagement processes associated with the development of the Proposed District Plan.
2. Iwi and Community engagement has informed the making of the PDP from the outset. A series of awareness, discussion and review processes have been associated with the incremental development of the PDP.

2016 – Let's Plan Together

- A consultation exercise with Far North communities in 12 locations across the District, at a number of A&P shows and via appointment in the pop up shop at the John Butler Centre in Kerikeri in the first seven months of 2016.
- Purpose was to understand first hand from our communities what their issues are and what was working or not working with respect to the District Plan.
- Included an online application 'Put a Pin on it', enabling location based identification of issues and needs.

2018 - Draft District Plan Policies and Methods

- Engagement with Far North communities between September and December 2018 encouraging feedback on the Draft District Plan 2018 (DDP).
- The DDP was made publicly available via Council's e-platform 'Isoplan', the Lets Plan Together website and, in hard copy at Council's Service Centres and at community events. Council received 849 feedback points from a total of 249 feedback entries from the community and stakeholders.
- Community engagement roadshow from the 3 November 13 December 2018, visiting 13 communities throughout the district.
- An online presence through website and social media advertising.

2021 Full Draft District Plan Review and Feedback

- An updated, and more detailed draft District Plan was released in early 2021 in the new digital ePlan format and building on the policy framework progressed through the previous engagement. The draft;
 - represented new directions in resource management issues.
 - Conformed to the new National Planning Standards and alignment to higher order policy instruments.
 - Included the provision of maps and full draft plan text and other spatial planning elements including maps containing zones and resource overlays.
- Community engagement via the 'jump on board' roadshow (March 2021) allowed for the community to become aware, understand and engage with the suite of Council planning documents, whilst comprehending the overall strategic direction on the DDP.
- Face to face meetings with the community allowed for instruction on the use of the e-plan format and for awareness of the direction of the new district plan.
- Further targeted engagement was initiated on plan content that represented key shifts in draft spatial planning and methods including mapping of Significant Natural Areas and draft Heritage Areas.

Iwi Engagement

3. Iwi engagement has been continuous through the multiple stages of plan development. On 21 June 2016, a Tangata Whenua Engagement Scoping Hui was held in Kerikeri and representatives from Far North Iwi and Hapū were invited to participate setting the foundation for the engagement process and to gather feedback on a proposed tangata whenua engagement process, seek confirmation and prioritisation of key issues and to continue building an ongoing relationship network to get informal feedback from tangata whenua on the District Plan review. An outcome was the establishment of a Tangata Whenua Advisory/Reference Group which informed policy approaches early through the plan development process.
4. In May 2021 letters were sent to the 11 mandated iwi authorities for the purposes of the RMA, 8 hapū who have hapū environmental management plans lodged with council, and who are not mandated iwi authorities and 3 Māori Land Incorporations and 1 Ahu Whenua Trust

11 Mandated Iwi Authorities for the purposes of the RMA

- Ngāti Kuri
- Te Aupōuri
- Ngāti Takoto
- Te Rarawa
- Ngāti Kahu
- Ngāti Kahu ki Whangaroa
- Ngāpuhi ki Whaingaroa
- Ngāti Hine
- Ngāpuhi
- Ngāti Wai
- Te Roroa

8 Hapū with Hapū Environmental Management Plans lodged with Council, and who are not mandated iwi authorities for the purposes of the RMA.

- Ahipara Takiwa
- Hāitaitamarangai Marae
- Ngāti Torehina
- Ngāti Rēhia
- Kororareka Marae
- Ngāti Kuta
- Ngāti Rangi
- Ngāti Korokoro, Ngāti Wharara me Te Pouaka

3 Māori Land Incorporations

- Matauri X Incorporation
- Muriwhenua Incorporation
- Parengarenga Incorporation

1 Ahu Whenua Trust

- Te Tii (Waitangi) B3 Trust

5. The letters provided further updated information on the draft district plan review and invited engagement and feedback on the full draft district plan. The letters were followed up with phone calls and face to face hui with a number of the iwi and hapū groups.
6. In September 2021, funding options were provided to the Iwi/Hapū/Landowner groups to assist them with technical advice to provide written feedback on the draft plan.
7. Formal written feedback was received from Te Rarawa, Ngāti Rehia, Ngāti Kuta, Ngāpuhi ki Whaingaroa, Ngāti Kurī, Ngāti Kahu ki Whangaroa and Matauri X Incorporation. In addition, generic feedback was provided from the consultant planner to which the following iwi provided general agreement but no formal written feedback within the timeframe required: Te Aupōuri, NgaiTakoto and Te Roroa.



Attachment 2 - Responsiveness to Feedback and Plan Development

1. Plan development has followed a pattern of consultation, policy development, sharing of draft content, further discussion and refinement of policies and plan methods. The key issues shared and progressive development of plan content is summarised below.
2. The period for feedback on the non-statutory draft opened on March 6 2021 and was extended to May 7 2021. At that time there were 321 survey responses, and approximately 330 individual pieces of feedback with approximately 2500 individual feedback points outside of the survey.
3. There were two standout topic issues that were highlighted by the community and these relate to SNAs and historic heritage. Both of these topics were subject to targeted engagement and further reporting to Council. Subsequent amendments to the policy framework were advanced in response to issues raised. The general key themes presented during feedback are shown below grouped under the significant resource management themes identified via engagement:

Tangata Whenua

- Tangata Whenua Overview - there is a need for improved integration of the Tangata Whenua policies throughout the PDP;
- Sites and Areas of Significance to Māori - a comprehensive review of the schedule of sites and areas of significance to Māori o review existing and include new sites is required;
- Māori Purpose Zone and Treaty Settlement Overlay - there is general support for the Māori Purpose Zone and Treaty Settlement Land overlay, however greater flexibility for economic development is required and in more enabling provisions for papakāinga.

Coastal Management

- Some concerns over the change from coastal zones to a coastal environment overlay where this translated to loss of some development potential
- Desire to enable more density in some coastal locations, especially where previous coastal zones were no longer identified to fall in the coastal environment. In some instances, this has meant a transition to a rural production zone from coastal living.

Urban Sustainability

- Positive sentiment for enabling further density in residential zone, with further suggestions that further enablement is required for subdivision and not just residential intensity.
- Requests for improved connectivity in existing urban areas, including creating more choice and diversity for roading connectivity.
- Request for better regard of active transport modes.
- Requests for extension of residential zoned land to enable additional urban development to meet market demands and address affordable housing matters - with associated provision of infrastructure to support urban growth.

Rural Sustainability

- Requests for enablement of further density in the rural zones and rural residential zones and extending the spatial coverage of the lifestyle and rural residential zones, especially where the rural production potential is less viable.

- Similar requests for enablement of further density in the Horticulture Zone for lifestyle development.
- Concerns expressed over the enablement of horticultural industry via the Horticultural Zone.
- Positive comments on protection of versatile soils and safeguarding the role of highly productive land.

Historic Heritage

- Strong concern expressed over increase over the spatial extent of Mangonui Heritage Area and demands for further engagement or withdrawal of changes.
- Strong concerns over the nature of changes to Russell Heritage Precinct and Special Zone, resulting in less specific management of the character and values of Russell. Requests for reinstatement of strong and specific controls.
- Requests for further engagement on heritage area spatial extent and appropriateness of management methods.

Indigenous Biodiversity

- Strong concern expressed over the management of indigenous vegetation on private land.
 - Requests that support and compensation be made for landowners for the public good that would be provided via the protection and management of indigenous vegetation on private land.
 - Some support for the methods but most seeking more flexibility in the use of land affected by a Significant Natural Area (SNA).
 - Strong concerns over lack of recognition over the guardianship and good practice that has resulted in the good biodiversity outcomes for many areas.
4. The District Plan Team reported on the progress and ongoing engagement on the making of the new plan to the Strategic Planning and Policy Committee in June 2021, November 2021 and April 2022. Since that time, evaluation of the draft plan has continued with some focus on:
- Targeted engagement on draft Heritage Areas.
 - Removal from the draft plan of the mapping method for Significant Natural Areas (SNAs).
 - refinement of plan provisions based on feedback from the 'jump on board' engagement.
 - continuation of iwi engagement, in accordance with the consultation requirements of clause 3B of Schedule 1 of the RMA.

5.2 ALFRESCO DINING POLICY - RECOMMENDATION TO REVOKE POLICY

File Number: A3671465

Author: Kirsten Griffiths, Strategic Planner

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

TAKE PŪRONGO / PURPOSE OF THE REPORT

To revoke the Alfresco Dining Policy 2014.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Provisions regulating alfresco dining on footpaths and shared roadways were included in the new Road Use Bylaw, made by the Council 19 May 2022.
- A separate external policy regarding alfresco dining is no longer necessary.
- Operational matters in the current policy will be replaced by an appropriate internal policy.
- Direction from elected members on alfresco dining in the district will be sought as part of developing the placemaking strategic policy workstream.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommend the Council revoke the Alfresco Dining Policy 2014.

1) TĀHUHU KŌRERO / BACKGROUND

The Alfresco Dining Policy 2014 (the Policy) formalises the process for the Council to approve licenses for alfresco dining and allows the Council to ensure that businesses can make use of public space while maintaining safe and fair access for all members of the public. There are currently 17 premises across the Far North district which hold an alfresco dining approval.

On 19 May 2022 the Council made the new Road Use Bylaw. The Road Use Bylaw 2022 includes provisions regulating alfresco dining on footpaths and shared roadways and sets out the rules regarding approvals from the Council for alfresco dining. Because the Road Use Bylaw has been made under both the Local Government Act 2002 and the Land Transport Act 1998, it gives the Council a broader range of enforcement options, such as fines.

In effect, the rules around licenses for alfresco dining are largely unchanged. However, they are now formalised in a bylaw framework. It is no longer necessary to retain an external policy.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The provisions regulating alfresco dining in the Road Use Bylaw 2022 replace the approval requirements in the Alfresco Dining Policy 2014. The Alfresco Dining Policy 2014 also includes some operational matters, and these will be covered in internal policy guidelines. Therefore, a separate Alfresco Dining Policy is unnecessary, and it should be revoked.

In practice, the guidance in the internal operational alfresco dining policy is intended to be very similar to that in the current policy. This includes application procedures, implementation process, and detailed conditions.

In the Alfresco Dining Policy 2014, applications which meet all criteria are approved at staff level, and applications which do not meet all the criteria, and those which have been declined, are referred to the relevant Community Board for approval, which can be problematic. The Alfresco Dining Policy 2014 does not give Community Boards the guidance they require to make an informed decision. The recommendation is that the vision and direction of elected members for their communities should be considered in a more strategic manner, earlier in the process.

As it currently stands, rather than developing a new external alfresco dining policy, it will be better to develop this in the wider context of the placemaking strategic policy workstream, which is due to commence mid-2022.

Revoking the Policy will not affect the Community Boards' delegations to consider declined applications.

Option One: Revoke the Policy (recommended option)

Advantages and disadvantages of revoking the Policy

- | | |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advantages | Removing unnecessary duplicate regulation. Streamlining the Council's policies and bylaws. Providing more clarity on when applications should be declined. Removing confusion for members of the public from duplicate rules. Removing operational procedures from policy and replacing this with appropriate internal guidelines, which is best practice. |
| Disadvantages | None identified. |

Option Two: Status quo, maintain the Policy

Advantages and disadvantages of the status quo

- | | |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advantages | None identified. |
| Disadvantages | Reputational impact to the Council because duplicate regulations may appear confusing. Lack of appropriate and clear guidance for elected members on handling declined applications. It is not best practice to have operational procedures in an external policy. |

Take Tūtohunga / Reason for the recommendation

Option One is the recommended option because the regulation of alfresco dining in the Far North district has now been formalised in the Road Use Bylaw 2022, and therefore a separate external policy is no longer necessary. Option One removes duplicate regulation, streamlines the Council's policies and bylaws, and follows best practice by locating operational procedures in internal guidelines.

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

There are no financial implications to this recommendation. Operational costs will remain in line with current costs, as the rules around licenses for alfresco dining have not changed significantly but have been streamlined into the new Road Use Bylaw.

ĀPITI HANGA / ATTACHMENTS

1. Alfresco Dining Policy 2014 - A2107296 [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | <p>The Alfresco Dining Policy 2014 will be replaced by the regulations in the Road Use Bylaw 2022, internal policy guidance for staff procedures, and consideration of alfresco dining in the placemaking strategic policy workstream.</p> <p>The rules around licenses for alfresco dining are essentially unchanged, and therefore the level of significance for the recommendation to revoke the Policy, as determined by the <i>Significance and Engagement Policy</i>, is low.</p> |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Local Government Act 2002 sections 145 and 146, and the Land Transport Act 1998 section 22AB relate to the decision recommended in this report. The regulation of alfresco dining is now covered by the Road Use Bylaw 2022. |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | This proposal has a District-wide relevance, and therefore is not within the delegations of Community Boards to consider. Declined applications are currently presented to Community Boards for their consideration. The Alfresco Dining Policy 2014 does not give Community Boards the guidance they require to make an informed decision. The Community Boards will be consulted in the consideration of alfresco dining in the placemaking strategic policy workstream. |
| <p>State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.</p> <p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p> | <p>The decision in this report is not significant as it is removing duplicate regulation, and the rules around licenses for alfresco dining have not changed in their effect.</p> <p>Māori had an opportunity to contribute during the consultation process on the new Road Use Bylaw 2022.</p> |

| | |
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| Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities). | Regulation of alfresco dining is of relevance to hospitality businesses, their employees, and all community members and visitors to the Far North District. However, the rules around licenses for alfresco dining have not changed in their effect, and therefore the level of significance of this decision is low. |
| State the financial implications and where budgetary provisions have been made to support this decision. | There are no financial implications to this decision. |
| Chief Financial Officer review. | This report has not been reviewed by the Chief Financial Officer |

Alfresco Dining Policy (#3116)

Adopted: 22 March 2000
Reviewed: 16 October 2014

Background

Café and restaurant owners benefit from increased business opportunities, and the wider community benefits by having a more vibrant commercial sector that is meeting the needs of a more discerning public.

This policy is driven by a growing number of requests for alfresco dining facilities and concerns raised by the public over the legality of this type of operation. This policy formalises the procedures and protocols for the application and the process for approving/declining alfresco dining licenses.

Objective

To enable the private use of public space for outdoor dining.

Policy Statements

Council's policy position in respect of alfresco dining is to:

- enable operators to legitimately occupy public space as an extension of their premises.
- create minimum standards for the upkeep and general maintenance of land used for this purpose.
- maintain both pedestrian and vehicular traffic flow in a sensible and safe manner.
- ensure the Council charges a fair rental for the use of these assets so as not to skew commercial considerations.
- ensure the applicant has adequate public liability insurance.
- ensure that provision is made for special events.

Procedures

Application

All requests to use a public space for outdoor dining must be lodged in writing to Council and along with the Alfresco Dining, Application for License, should provide the following information:

- a. Access requirements, including:
 - Footpath clearance, pedestrian access, and setback from the kerb
 - Location of street trees and underground services
- b. Safety and security requirements, including:
 - Location of chairs and umbrellas
 - Heating and lighting
 - Hours of operation
 - Insurance provision
- c. The standard and type of furnishings/fitout as well as a sketch plan

- d. Extension of licensed premises and resource consents (where applicable).

Implementation Process

1. Upon inquiry from potential applicant, and application checklist is sent, e.g. compliance conditions as outlined above. The applicant is asked to address these as part of their written request.
2. All applications are forwarded to Environmental Monitoring or Regulatory Services Manager.
3. Council staff (Environmental Monitoring) assess the application for compliance (site visit essential).
4. Approval will be given at staff level to those applications that meet all criteria. All other applications, including those which are declined, are to be approved by the relevant Community Board.
5. License details are entered into the computer for annual renewal, and the license is signed and consent fees paid.

Minimum Conditions to Apply

6. The maximum area in which the extended operation can take place must not exceed the premises front boundary points and must leave a minimum of 1.5 metres clear access for pedestrian traffic.
7. Letter of support from adjoining (either side but same side of the street) business owners or lessees is desirable.
8. The designated area and facilities provided must be cleaned and maintained to a standard acceptable to Council.
9. The space occupied is not to obstruct access to or egress from the premises or adjoining premises as per fire regulations.
10. No tables, chairs, or displays are permitted where the proposed area is adjacent to a bus-stop, taxi stand, pedestrian crossing, Council seating, or rubbish bins.
11. A sketch plan of the applicant's requirements is to be supplied with each application together with a description of the materials and design of the furniture to be used.
12. The consent is business and person specific. A change of ownership will require a new application to be lodged.
13. The owners must abide by the direction of authorised Council officers.
14. Council can revoke the consent if any conditions are not being met or any problem cannot be resolved.
15. Fees will be determined by Council and are payable before written consent is issued or as specified in the written consent. These fees can be found in Council's Fees and Charges Schedule.
16. Trading is limited to the area designated and time specified in the consent. The owner is required to remove tables, chairs, etc. at the end of each trading day unless otherwise specified.
17. No alcohol is to be served, supplied, or brought to the tables and chairs until the appropriate Liquor Licence includes the Alfresco Dining area, permitting such activities.
18. Council accepts no responsibility for any damage or physical injury caused by the owner's operation.
19. Public liability insurance of \$500,000 is to be carried by the owner.

20. Council reserves the right to temporarily suspend the consent for any special events, e.g. Christmas parades. Written notice will be given to the licence holder in advance.
21. Notwithstanding any of these conditions, any existing conditions shall remain, e.g. building consent, resource consent, or any other Council requirement.
22. Owners must comply with their resource consents and other licences (e.g. liquor licence) and seek at their own expense any additional approvals regarding the extension of their premises. Any approval granted by Council to use public space in accordance with this Alfresco dining policy will not automatically imply compliance with any other regulatory issue.
23. Parking contribution requirements are waived for applications requiring up to five (5) tables. Any number of tables over five may require a parking contribution which will be determined by the Planning Department on a case-by-case basis.

5.3 PARKS AND RESERVES POLICY DEVELOPMENT

File Number: A3651114

Author: Ross Baker, Parks and Reserves Planner

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

TAKE PŪRONGO / PURPOSE OF THE REPORT

This report recommends that the Strategy and Policy Committee rescind its February 2022 resolution (2022/4), endorse the draft Parks and Reserves Policy, and recommends that Council adopts the draft Parks and Reserves Policy.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- A report titled “Parks and Reserves Policy Development” was presented to the 8 February 2022 Strategy and Policy Committee for endorsement and recommendation to Council to adopt the draft Parks and Reserves Policy.
- The Committee resolution 2022/4 was:
“That the report Parks and Reserves Policy Development be left to lie on the table to enable staff to consider a reduction to the use of herbicides be captured in the policy.”
- This report outlines why it is not appropriate to address the use of herbicides in the Parks and Reserves Policy, seeks to have the Strategy and Policy Committee rescind the above resolution and then recommends that Council adopt the policy.

TŪTOHUNGA / RECOMMENDATION

The Strategy and Policy recommends:

- a) that the report 'Parks and Reserves Policy Development' from the '8 February 2022' meeting be uplifted from the table.
- b) that research into a reduction in the use of herbicides on Council owned land be completed and that either the Parks and Reserves Policy be amended in the future to capture the reduction in the use of herbicides or include such reference in the proposed Vegetation Policy.
- c) that Council adopt the Parks and Reserves Policy.

1) TĀHUHU KŌRERO / BACKGROUND

The background leading up to the need for a new Parks and Reserves Policy is addressed in the Strategy and Policy Committee report presented on 8 February 2022, titled Parks, and Reserves Policy Development, at Attachment 1. The draft Parks and Reserves Policy is at Attachment 2.

At the 8 February 2022 meeting, the Strategy and Policy Committee determined that (resolution 2022/4 refers):

That the report Parks and Reserves Policy Development be left to lie on the table to enable staff to consider a reduction to the use of herbicides be captured in the policy.

This report addresses the above resolution.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Deliberations focused on the use of glyphosate in high use areas of parks and reserves, including for beautification purposes as well as noxious plant control, albeit this was not captured in the resolution (2022/4). The use of herbicides is a contentious topical matter for which there are regulations and an array of published studies and research papers addressing use and effects.

Below is a summary definition of both herbicide and glyphosate:

Herbicide Definition

Herbicide is a substance that is toxic to plants and used to destroy unwanted vegetation.

Glyphosate Definition

Glyphosate is a broad-spectrum systemic herbicide and crop desiccant. It is an organophosphorus compound, specifically a phosphonate, which acts by inhibiting the plant enzyme 5-enolpyruvylshikimate-3-phosphate synthase. It is used to kill weeds, especially annual broadleaf weeds and grasses that compete with crops. Its herbicidal effectiveness was discovered by Monsanto chemist John E. Franz in 1970. Monsanto brought it to market for agricultural use in 1974 under the trade name Roundup.

Council use of Herbicides

Herbicides are used to control vegetation growth on Council owned and managed land holdings that extends beyond the parks and reserves portfolio to also include vegetation growth in road corridors, particularly verges, berms, raised medians and roundabouts, together with other Council land types such as civic centres and halls etc.

Policy and Strategy Considerations

The parks and reserves elected member workshop held on 10 June 2021 highlighted that the then proposed policy would not address noxious plants, trees, or associated matters.

It was proposed that a new district wide vegetation policy (name yet to be confirmed but commonly referred to as "Tree and Weeds Policy") would be developed and will apply to all Council owned and managed property, not just parks and reserves. This new policy has yet to be scoped, but was intended address the use of herbicides, including for beautification purposes.

The decision to exclude noxious plant control and tree management from the policy was made in line with best practice. A review of some other Councils' policies indicated that the use of herbicides is best controlled through specific policies rather than through parks, reserves, or open spaces policies. Examples include the following:

- Whangarei District Council does not reference herbicides in any of its policies.
- Auckland Council has a "Weed Management Policy" that is designed to help manage weeds in parks and open spaces, including the road corridors.
- Hamilton City Council has a "Use of Herbicides Policy" that applies to all of its property holdings.
- Tauranga City Council has a "Use of Toxic Agrichemicals for Vegetation Management Policy". This policy covers all land maintained by or on behalf of the Council.

Evidence Based Policies

The research required for policy statements must be evidence based. The research required to include a statement regarding a reduction in the use of herbicides in the Parks and Reserves Policy is similar, if not the same as that required for the proposed new vegetation policy. It is anticipated that research could take up to 6 months to complete and would cover,

but not be limited to the following matters:

- New Zealand regulations associated with the use of agri-chemicals.
- Environmental research and associated impacts e.g., use in drains and flow into waterways.
- Health and safety impacts for the primary applicator and subsequent users of the land.
- The Council's existing management approach to the use of herbicides and whether New Zealand regulations and best practice standards are being adhered to.
- Alternative available vegetation control options, e.g., non-toxic, labour (weeding) etc.
- Opportunity cost of the alternative options. Will the use of alternative options increase the cost of vegetation control, or require a drop in standard of appearance or amenity value?

- What impact will the reduction in the use of herbicides have on the levels of service for communities and their enjoyment of Council properties?

Proposed Vegetation Policy

Work on the proposed vegetation policy has commenced, with the associated research phase of that policy development envisaged to take 6 months to complete and a further 6 months to finalise the policy for Council adoption.

Issues with Policy Delay / Risks

The adoption of the Parks and Reserves Policy will be delayed by at least 6 months if the Committee decides that the report shall continue to lie on the table whilst the required research into the use of herbicides is undertaken.

That delay will impact on staff ability to adequately manage parks and reserves including addressing encroachments, leasing, acquisition, disposal, implementation of reserve management plans and other matters addressed by the draft policy.

The draft policy contains content that needs to be included in future reserve management plans and also prescribes how those plans are to be grouped and rolled out across the district.

Take Tūtohunga / Reason for the recommendation

Research is required to ensure any reference to a reduction in the use of herbicides is evidentially based. That research is anticipated to take 6 months to complete and is proposed to be undertaken during the development of a new district wide vegetation policy

The new vegetation policy will address all vegetation related matters including the use of herbicides, whether for noxious plant control or beautification purposes on all Council owned and managed lands. It is anticipated that the development of the new policy will take 12 months.

Delaying the endorsement of the Parks and Reserves Policy whilst the research is completed will impact on staff ability to manage parks and reserves and more importantly cause a 6-month delay to the implementation of reserve management plans. Accordingly, Council staff recommend that the Committee:

- Rescind resolution 2022/4.
- Endorsed the final Parks and Reserves Policy at Attachment 2.
- Recommends that research into a reduction in the use of herbicides on Council owned land be completed and that either the Parks and Reserves Policy be amended in the future to capture the reduction in the use of herbicides or include such reference in the proposed Vegetation Policy.

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

The costs of implementing this policy will be met from existing operating budgets.

ĀPITI HANGA / ATTACHMENTS

1. Final Parks and Reserves Policy for Adoption - A3712978  
2. February 2022 - Parks and Reserves Policy Development Agenda Report - A3657873  

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | <p>In line with the Significance and Engagement Policy the recommendation to adopt the policy will have little effect on financial thresholds, ratepayers, specific demographics, or levels of service.</p> <p>We acknowledge that there is high public interest in the topic of parks and reserves. However, we must consider the criteria for significance in relation to the content of the policy, and not parks and reserves themselves. The risk of consultation outweighs the benefits at this time. Public consultation will occur during the development of the Open Spaces Strategy.</p> <p>Therefore, the level of significance is low to medium, and Council is not obliged to publicly consult.</p> |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Local Government Act 2002, Reserves Act 1977, Resource Management Act 1991, Public works Act 1981, Reserve Management Plans, and Iwi Hapū Management Plans apply to the decision recommended in this report. |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | The policy has District wide relevance. The views of the Community Boards were considered during a workshop held with elected members. |
| State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. | <p>The policy in Section 1 stipulates that Council will give effect to the principles of Te Tiriti o Waitangi, Iwi Hapū Management Plans and general partnership principles when conducting operational and strategic decision making for all matters relating to parks and reserves.</p> <p>Further that Council will have consideration to the cultural significance of parks and reserves land – mana whenua iwi worldview and cultural impact assessments</p> |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | <p>when preparing reserve management plans and making strategic decisions that may affect these lands.</p> <p>The only trigger of significance in relation to the content of the policy is the criterion “Of specific interest to Māori”. This is because of the inclusion of a statement under schedule 2 that states:</p> <p>“Council will engage, discuss and listen to local iwi on proposals to dispose of park or reserve land and will offer the land to iwi, as a first right of refusal to purchase when the Council is not legally required to offer land for sale to the former owners under the Public Works Act offer back regime.”</p> <p>This addition is positive. It acknowledges Council obligations under Te Tiriti. For this reason, direct engagement with Iwi / Hapū is appropriate.</p> <p>Te Hono has provided advice that the policy does not need to be subject to specific Iwi / Hapū consultation.</p> |
| Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities). | <p>The following affected or interested people were directly notified on the policy development:</p> <ul style="list-style-type: none"> • Council internal groups including, Strategy and Policy, Infrastructure and Asset Management, Corporate Services, Democracy Services. • Councillors and Community Board elected members (workshop) • Domain Boards and Reserve Management Committees. <p>Department of Conservation.</p> |
| State the financial implications and where budgetary provisions have been made to support this decision. | The cost of the policy development is covered by current operational budgets. |
| Chief Financial Officer review. | This report has not been reviewed by the Chief Financial Officer |

Parks and Reserves Policy

Adopted:

Background

The Council owns a significant number of parks and reserves that provide cultural, historical, recreation, leisure, environmental, accessibility and amenity need for residents and visitors to the Far North region.

This policy will guide the Council and the public on decision making matters relating to the control and management of parks and reserves and ensure that the Council fulfils its obligations to address the cultural, social and physical wellbeing of residents and visitors to the region by providing space for recreation, both passive and active, and maintaining and enhancing significant historic, scenic, natural and scientific values.

The Council will adopt the provisions of this policy when it prepares other policies, strategies and plans, or specific developments that affect parks and reserves.

This policy replaces the former Reserves Policy 2017 and has been produced following a robust consultative process.

Application

This policy applies to all parks and reserves that are owned by the Council, or where the administration, control or management of the park or reserve is vested in the Council.

The Council has other policies and bylaws that addresses specific infrastructure and operations located on parks and reserve land such as, town halls, community centres, cemeteries, Council offices, town centres, elderly pensioner housing, and camping grounds. This policy complements those specific policies.

Definitions

The following definitions apply to this Policy:

- **Acquisition** – means obtaining land by purchasing, vestment on subdivision, gifting, or endowment.
- **Council** – means the Far North District Council.
- **Landlocked Land** – has the same meaning as in section 326 of the Property Law Act 2007.
- **Multiuse Facility** – means a structure that is subject to a lease or licence agreement that will be used by more than one entity.
- **Network Utility Operator** – has the same meaning as in section 166 of the Resource Management Act 1991.
- **Park** – has the same meaning as in Section 138 Local Government Act 2002

Related information

As at 13 July 2021, the definition is: "land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes; but does not include land that is held as a reserve, or part of a reserve, under the [Reserves Act 1977](#)."

- **Policy** – means the Council's adopted Parks and Reserves Policy.
- **Reasonable Access** – has the same meaning as in section 326 of the Property Law Act 2007.

- **Reserve** – means any land set apart for any public purpose as defined within the Reserves Act 1977.

Related information

As at 28 October 2021, the definition is: “**reserve or public reserve**, except as hereinafter provided in this definition, means any land set apart for any public purpose; and includes—

(a) any land which immediately before the commencement of this Act was a public reserve within the meaning of the Reserves and Domains Act 1953:

(b) any land vested in the Crown which after the commencement of this Act is reserved or set apart under [Part 12](#) of the Land Act 1948 or other lawful authority as a reserve, or alienated from the Crown for the purpose of a reserve:

(c) any land which after the commencement of this Act is vested in the Crown by or under the authority of any Act as a reserve:

(d) any land which after the commencement of this Act is taken, purchased, or otherwise acquired in any manner whatever by the Crown as a reserve or in trust for any particular purpose:

(e) any land acquired after the commencement of this Act in any manner by an administering body as a reserve within the meaning of this Act, and any land vested in any local authority which, not theretofore being a public reserve, is by resolution of the local authority pursuant to [section 14](#) declared to be set apart as a reserve:

(f) any private land set apart as a reserve in accordance with the provisions of any Act:

(g) any land which immediately before the commencement of this Act was a domain or public domain within the meaning of the Reserves and Domains Act 1953:

(h) any land, other than a national park within the meaning of the [National Parks Act 1980](#), administered under the [Tourist and Health Resorts Control Act 1908](#):

(i) any land taken or otherwise acquired or set apart by the Crown under the [Public Works Act 1981](#) or any corresponding former Act, whether before or after the commencement of this Act, for the purposes of a reserve, a recreation ground, a pleasure ground, an agricultural showground, or a tourist and health resort:

but does not include—

(j) any land taken or otherwise acquired or set apart under the [Public Works Act 1981](#) or any corresponding former Act, whether before or after the commencement of this Act, for any purpose not specified in paragraph (i):

(k) any land to which [section 167\(4\)](#) of the Land Act 1948 applies:

(l) any land taken, purchased, or otherwise in any manner acquired, whether before or after the commencement of this Act, by a local authority, unless the land is acquired subject to a trust or a condition that it shall be held by the local authority as a reserve:

(m) any Māori reservation”

- **Structure** – means any built physical feature placed on, in, or under the park or reserve.

Legislative Context

Parks and reserves are subject to various legislative controls that provide a framework for management, operation and potential divestment of these lands, including but not limited to; Local Government Act 2002; Reserves Act 1977; Resource Management Act 1991 and Public Works Act 1981.

Objective

To provide guidance to the Council and staff for the operation and management of parks and reserves that will:

- provide for the needs and desires of current and future residents of the Far North District
- ensure that the Council's strategic planning and investment decisions are well-informed

- ensure the Council applies consistent and transparent decision-making for parks and reserves
- ensure the Council delivers a high-quality parks and reserves network that:
 - is well distributed and well connected to service communities and catchments;
 - is functional and designed to support the community's sport, recreation, and physical activity needs;
 - protects, maintains, and enhances ecosystems, culture, and heritage values; and
 - provides connectivity between public spaces.

Section 1 – Te Tiriti o Waitangi / Treaty of Waitangi

Policies

1. The Council will follow the principles and requirements in parts 2 and 6 of the Local Government Act 2002 for local authorities to facilitate participation by Maori in local authority decision making relating to parks and reserves.
2. The Council will give effect to Iwi Hapū Management Plans and general partnership principles when conducting operational and strategic decision making for all matters relating to parks and reserves.
3. The Council will have consideration to the cultural significance of parks and reserves land – mana whenua iwi worldview and cultural impact assessments when preparing reserve management plans and making strategic decisions that may affect these lands.

Section 2 – Easements

The Council will from time to time receive requests from adjoining landowners, Network Utility Operators and unrelated third parties for access or for the provision of services through or over parks and reserves and will apply this policy to make decisions in relation to the granting of easements.

Policies

- The Council will at its sole discretion and in line with Section 48 of the Reserves Act 1977 determine whether an easement application over park or reserve land is to be advanced.
- The Council will not grant an easement if the applicant has another reasonable land based practicable alternative option that does not involve the park or reserve.
- If an easement through, on or over the park or reserve is the only reasonable land based practicable option, and the Council agrees to grant the right of an easement, then the route of the easement must be designed to minimise the impact on the land and the public's enjoyment of that land.
- The Council will consider at its sole discretion the granting of easements over a park or reserve if this is the only means of unlocking access to physically or legally landlocked land.
- The Council will consult with the Domain Board or Reserve Management Committee (if applicable) and local Community Board before an easement application is presented to Council for consideration.
- The Council will require an agreement to grant easement to be entered with the applicant, conditional upon Council approval that outlines the process and parties responsibilities, including costs, and full detailed design of any services and structures to be installed within the easement area before the processing of the easement commences. The agreement will require an advance bond payment of an agreed sum to cover all costs as listed in Schedule 1.

- All approved easement applications over parks or reserve land will be charged the full current market valuation for the easement right(s) as a one-off easement fee as per the conditions in Schedule 1.
- The Council's staff or assigned consultants will project manage the easement legalisation process.

Section 3 – Acquisitions, Disposal and Land Exchange

The Council will from time to time make decisions to acquire, dispose of and exchange parks and reserves land. The Council is from time to time presented with land exchange opportunities that involve the exchange of part or all a park or reserve for non-park or reserve land.

Policies

1. The Council will make decisions in relation to the acquisition, disposal and land exchanges of parks and reserves in accordance with the requirements set out in Schedule 2 of the policy.
2. The Council will not sell a park or reserve if the land fulfils its purpose, classification, meets the objectives of Council's policies, strategies and plans, provides connectivity, or will disadvantage the public.
3. The Council will consider the processes and matters set out in Schedule 2 before it decides whether the sale, disposal, or exchange of part or all of the park or reserve is to be advanced.

Note:- The final decision on the revocation of a reserve status rests with the Minister of Conservation. If the Minister of Conservation declines the request for revocation then the sale process ceases.

Section 4 – Connectivity

Policies

1. The Council will actively seek to acquire land that creates connectivity between public spaces and provides significant public benefit.
2. The Council will acquire or engage developers to vest land or funds to provide connectivity to and between parks, reserves, waterways, subdivisions, nature areas, neighbourhoods and communities to create better spaces and corridors for walking, cycling and passive recreation.

Section 5 – Structures

There are often competing demands for park and reserve space including requests to establish structures and facilities. The Council will ensure that parks and reserves, open land areas and the character of the space will not be diminished through the establishment of inappropriate development.

Policy

1. The Council will at its sole discretion approve or decline applications for the establishment of any and all structures, including for single purpose user groups, and encourage where there is a demand to accommodate multiple complimentary user groups the establishment of single building or structure with multi-use facilities on parks and reserves based on the criteria set out in Schedule 3.

Section 6 – Domain Boards and Reserve Management Committees

From time to time the Council will transfer the day-to-day management of specific reserves to Domain Boards and Reserve Management Committees.

Policies

1. Council will support existing Domain Boards and Reserve Management Committees and will facilitate the establishment of new Domain Boards and Reserve Management Committees.
2. Domain Boards and Reserve Committees are to undertake the management of specific reserves as set out in Schedule 4.

Section 7 – Encroachments

There is a legacy of neighbouring property structures such as decks, sheds, boat ramps, jetties, driveways, fencing and landscaping encroaching illegally onto parks and reserves that prevents or discourages public use or access to that park or reserve.

Policies

1. The Council will not permit existing encroachments onto parks and reserve land to remain unless subsequent written approval from the Council had been obtained.
2. The Council will not grant retrospective authority for encroachments on parks or reserves unless, the Council at its sole discretion determines that the encroachment provides betterment to the public for enhanced use of the park or reserve, are deemed safe, fit for purpose and comply with appropriate regulatory and legislative requirements e.g. Building Act etc
3. The Council will require all unauthorised encroachments to be removed and the land reinstated by the landowner whose property is associated with that encroachment, at that landowner's cost.

Section 8 – Reserve Management Plans

The Council shall within 5 years of its appointment as the administering body or within 5 years after the commencement of the Reserves Act 1977, whichever is the later, prepare and submit to the Minister of Conservation for his or her approval a management plan for the reserve under its control, management or administration (Section 41 of the Reserves Act 1977). Reserve management plans shall provide for and ensure the use, enjoyment, maintenance, protection and preservation, and the development as the case maybe for, recreation, historic, scenic, nature, scientific, Government purpose and local purpose reserves.

Policies

1. The Council will systematically prepare and adopt reserve management plans for all the reserves it owns and those reserves where administration, control or management is vested in the Council as follows:
 - (a) individual reserve management plans to be prepared for all large multi-user recreation reserves such as premier reserves that are subject to competing uses or development needs
 - (b) individual reserve management plans to be prepared for historic reserves because of the need to record the historic reason and relevance for the creation of that reserve
 - (c) individual reserve management plans to be prepared for local purpose reserves where the notice of vesting or notice to control and manage directs that a management plan is required (Section 41 (16) Reserves Act 1977)
 - (d) single district wide reserve management plans to be prepared for all scenic reserves.
 - (e) single ward wide reserve management to be prepared for smaller scale recreation reserves that currently do not have an individual reserve management plan and are not subject to significant demand and local purpose reserves (excludes esplanade reserves).
2. The Council may from time to time, due to changing circumstances, decide at its sole discretion that an individual reserve management plan(s) be required for any reserve or grouping of reserves.

3. The Council will keep its reserve management plans under continuous review so that the plans are adapted to changing circumstances or in accordance with increased knowledge.
4. The Council may from time to time choose to implement management plans for parks adopting the reserve management plan process, however such management plans are not a legislative requirement.

Section 9 – Leases and Licences

Policies

1. The Reserves Act 1977 sets out the statutory processes associated with the granting of leases and licences on reserves however a lease cannot be for a term longer than 33 years with a further right of renewal of 33 years.
2. The Council will review all applications for a lease or licence to ensure that the purpose of the lease or licence is provided for within the Reserves Act 1977, before considering whether to grant the lease or licence.
3. A lease or licence of part or all of a park with a term of 6 months or longer that has the effect of excluding or substantially interfering with the public's access to the park is considered to be disposal (refer to Section 3 of this policy) and the Council must consult on that lease or licence proposal (Section 138 Local Government Act 2002).
4. A lease or licence of part of a record of title area of 35 years is deemed to be a subdivision (Section 218 Resource Management Act 1991).
5. The Council will discourage the granting of exclusive use of all or part of a park or reserve where that use will exclude the public, except where Council deems that exclusive use to be appropriate.
6. The Council will require leases and licences to be entered into where exclusive use of part, or all the park or reserve is proposed.
7. The granting of a lease or licence on reserves must either comply with the provision of the associated reserve management plan or be subject to separate consultation.
8. The Council will consult the relevant Domain Board, Reserve Management Committee (if applicable) and local Community Board on lease and licence application proposals prior a Council decision.
9. The Council will grant exclusive leases of part or all of a park or reserve for a maximum term of 15 years with a further right of renewal for 15 years if it deems such terms to be appropriate. The lease will include the general provisions as set out in Schedule 5.
10. The Council maintains and applies a schedule of fees, charges, and bonds as security against potential reinstatement costs for the use of parks and reserves for leases, licences and events.
11. All planned events on parks and reserves are required to be booked in advance through the Council's online "Book a Park, Reserve or Open Space" system.

Section 10 – Esplanade Reserves and Esplanade Strips

Esplanade reserves and esplanade strips may be required when land is subdivided, when land is reclaimed, developed or when a road is stopped under the Local Government Act 1974. They can also be created voluntarily.

Esplanade strips are a legal instrument (like an easement) created between a landowner and the Council. They are registered on the property's record of title, but the land within the strip remains in the ownership of the landowner and does not need to be formally surveyed.

Unlike esplanade reserves, the width of an esplanade strip remains unchanged within the same allotment. For example, if a riverbank erodes by 2 metres, the width of the esplanade strip then extends beyond its old boundary by 2 metres to offset the lost ground.

Policies

1. The Council will through the District Plan rules require developers to provide esplanade reserves or esplanade strips to contribute to the protection of conservation, enable public access to or along any sea, river or lake, or to enable public recreational use of the esplanade reserve or esplanade strip and adjacent sea, river or lake when the use is compatible with conservation values. (s.229 Resource Management Act 1991).
2. Except as provided for by any rule in the District Plan or a resource consent that waives, or reduces the width of the esplanade reserve, where any allotment of less than 4 hectares is created when the land is subdivided, an esplanade reserve of 20 metres in width shall be set aside from that allotment along the mark of the mean high water springs of the sea, along the bank of any river (river bed to have an average width of 3 metres or more) or along the margin of any lake (whose bed has an area of 8 hectares or more), as the case may be. (s.230 Resource Management Act 1991).
3. The Council will only accept vestment of esplanade reserves on subdivision when they are clear of noxious plants.
4. The Council will classify local purpose esplanade reserves once the land has been vested in the Council.
5. The Council will consider climate change when deciding whether to accept an esplanade reserve or esplanade strip on subdivision. Climate change is causing sea level rise, an increase in frequency and impact of storm weather events resulting flooding and or erosion incidences where in some cases esplanade reserve widths have diminished to the point where the public are now unable to traverse the length of that esplanade reserve. To avoid these situations occurring, esplanade strips will be requested instead of esplanade reserves when there is evidence available through sources such as the Northland Regional Council River Flood Hazard Maps, and Coastal Hazard Maps that there is a reasonable expectation that the 20-metre width of the esplanade will diminish in the future. By doing so the Council will future proof public access and connectivity.

Section 11 – Application of Revenue

Policies

1. The Council will deposit into a suitable Council bank account all net monetary proceeds received from parks and reserves by way of rent, royalty, tree clearance, accommodation, land sale, land exchange, leasing and licensing including farming and afforestation.
2. The Council will apply the net monetary proceeds from Section 11 Policy 1 to purchasing, taking on a lease, managing, administering, maintaining, protecting, improving, or developing parks and reserves in the same Council Ward to generally benefit, where appropriate, the community from which the net monetary proceeds were derived.

Section 12 – Financial and Development Contributions

The Council may use financial or development contributions on subdivisions and or developments as a mechanism to provide or improve reserves within the district.

Policies

1. The Council may require financial contributions of money, or land including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Māori land within the meaning of the Te Ture Māori Land Act 1993 unless the Act provides otherwise; or a combination of money and land (Section 108(9) Resource Management Act 1991). The level of contribution is determined in the manner described in the district plan or proposed district plan (Section 108(10) Resource Management Act 1991).
2. The Council may in accordance with its Development Contributions Policy charge development contributions on subdivisions and developments to go towards paying for growth related infrastructure including parks and reserves (Section 106 Local Government Act 2002).

Monitoring and Implementation

- Implementation of the policy will be monitored by the Council.
- This policy will be reviewed in response to issues that may arise, every 5 years, at the request of the Council, or in response to changes to legislative or statutory requirements (whichever occurs first).
- Amendment to this policy following a review may be subject to a public consultative process.

Change to Schedules

The schedules in this Policy may be amended at any time by Council resolution.

Schedule 1 – Easement agreement bond payment and easement fee

Easement agreements will require an advance bond payment to cover all Council costs as per the provisions of this Schedule under Section 2 – Easements Policy (4).

These costs for the bond payment include but are not limited to:

- staff time
- survey
- legal
- public and iwi consultation
- valuation and Land Information New Zealand
- Council s.243 Resource Management Act 1991 consent charges.

Approved easement applications will be charged a one-off easement fee as per the following conditions of the Schedule under Section 2 – Easements Policy (5).

- The full current market valuation for the easement right(s) as determined by an independent registered valuer appointed by Council.
- The valuation shall be completed in accordance with the compensation principles contained within the Public Works Act 1981, including consideration of injurious affection and damages.
- The valuer is to adopt a land value in the compensation assessment that assumes the land rate of similar non reserve or park land in the locality.

- The added value benefit that the easement provides to the applicant shall also be determined and a percentage of the added value benefit, to be negotiated, shall form part of the one-off easement fee together with the valuation easement fee.

Schedule 2 – Criteria for acquisition, disposal, and land exchange decisions (for parks and reserves only)

Acquisition

Council will make decisions regarding acquisitions based on the following criteria outlined in the Schedule under Section 3 – Acquisitions, Disposal and Land Exchange

- Will the acquisition fulfil the Council's objectives, policies, strategies, and plans?
- Will the acquisition provide connectivity between existing parks and reserves, neighbourhoods, water bodies and existing open space public lands?
- Does Council have available budget to acquire the land and maintain the land?
- The land must have physical and legal access, be accessible for the public, will not generate foreseeable public safety concerns, and be of a suitable size and scale to meet the Council's requirements.
- Does the land meet passive or active recreational requirements, or the protection of environmental landscapes, cultural landscapes, features, and habitats?

Disposal

The Council decision to advance the Reserves Act 1977 revocation processes including public and iwi consultation processes for a reserve and sale for a park will only occur after all the processes and matters set out below have been addressed:

- A land status investigation to determine whether the land was derived from the Crown must be undertaken. (Note:-if the land was derived from the Crown then the land reverts to the Crown under Section 25 of the Reserves Act 1977).
- The Council does not have another public works use for the land.
- The Council has determined its obligations under the Public Works Act 1981 offer back regime.
- The Council has consulted the local Community Board on any proposal to dispose of a park or reserve or to use that land for another public work.
- The Council has considered its obligations under the Section 1 of this policy - Te Tiriti o Waitangi / Treaty of Waitangi.
- The Council will engage, discuss and listen to local Iwi on proposals to dispose of park or reserve land and will offer the land to Iwi, as a first right of refusal to purchase when the Council is not legally required to offer land for sale to the former owner under the Public Works Act offer back regime.

Land exchange

The Council will address the following processes and matters before advancing a land exchange:

- The land exchange must be beneficial to the park and reserve and equitable by way of land and or cash adjustment.
- The land exchange results in a net benefit to the public.
- The land exchange shall align with the Council's policies strategies and plans.
- The Council has determined its obligations under the Public Works Act 1981 offer back regime for that portion of park or reserve being exchanged.
- The Council has consulted the local Community Board on the proposal.
- The Council has considered its obligations under Section 1 of this policy - Te Tiriti o Waitangi / Treaty of Waitangi.

Schedule 3 – Criteria for decisions for establishment of structures

Council will make decisions to approve or decline applications for the establishment or placement of structures, including single use and multi-use facilities on parks and reserves based on the following criteria, with reference to Section 5 – General provisions for building facilities:

- All structures must be deemed safe, fit for purpose and comply with the appropriate regulatory and legislative requirements e.g. Building Act etc. For new structures being promoted by volunteer or community entities, and for single user or multi-use facilities that may or may not be subject to a possible lease or licence agreement, the applicant must prove that it has community support for the installation of that structure and has the financial basis to complete the installation of the structure to the satisfaction of Council. Where the structure is subject to a lease or licence agreement the applicant will maintain that structure. The policy considerations in Section 9 and Schedule 5 are to be referenced.
- The applicant shall provide to Council detailed drawings of the structure prior to construction.
- The ownership of a structure that is not subject to a lease or licence agreement transfers to the Council once that structure installation is complete. Ownership and responsibility for the structure prior to its completion rests with the party responsible for the installation of that structure.
- The ownership of a structure that is subject to a lease or licence agreement is addressed in Schedule 5.
- The applicant shall demonstrate to Council that it has a sound governance structure that is appropriate for the specific situation.
- The applicant will consult with Council staff on the proposal for the establishment or placement of the structure on the park or reserve before the applicant consults with the Domain Board and Reserve Management Committee (if applicable) together with the local Community Board on the proposal as part of Council's decision-making process.
- If Council approves the proposed structure that is to be subject to a lease or licence then an agreement to grant a lease or licence agreement will be negotiated with the applicant detailing all conditions to be met prior to the Council entering a deed of lease or deed of licence. A specific requirement is that an asset management plan detailing lifecycle maintenance funding will be required. The policy considerations in Section 9 "Leases and Licences" is to be referenced.
- The Council may at any time and for any reason remove a structure from a park or reserve where that structure is not subject to a lease or licence. Where a structure is subject to a lease or licence then the terms of that lease or licence shall apply.

Schedule 4 – Role of Domain Boards and Reserve Management Committees

Council will sometimes transfer the day-to-day management of specific reserves to Domain Boards and Reserve Management Committees. Domain Boards and Reserve Management Committees are expected to undertake the following under Section 6 – Domain Boards and Reserve Management Committees:

- Undertake day to day management of the reserve including administration of the reserve.
- Engage local contractors to do basic reserve maintenance.
- Foster and promote sport and passive recreation.
- Provide advice to the local Community Board on on-going reserve management.
- Advise Council where and when major maintenance and capital improvements to the reserve are required.

Schedule 5 – General provisions for building facilities

All leases associated with building structures not funded or built by Council will require the following under Section 9 - Leases and Licenses:

- Either transfer of ownership of the building structure to Council on the termination of the lease, or removal of the building structure and reinstatement of the land at the lessees' cost.

- Asset management plans and proof of available funding to maintain the building structure in accordance with the approved asset management plan during the term(s) of the lease.
- Forfeiture of the lease should the lessee's membership or patronage of the building or structure decline to the point where Council deems that there is a better alternative use for that facility.
- Lessee and licensees will be required to cover all outgoings including utilities associated with the use of the park or reserve.

5.2 PARKS AND RESERVES POLICY DEVELOPMENT**File Number: A3518519****Author: Ross Baker, Parks and Reserves Planner****Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To recommend to Council that the draft Parks and Reserves Policy be adopted.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- On 30 July 2020, the Strategy and Policy Committee determined that new general policies for the management of parks and reserves be developed.
- The new policy will replace the Reserves Policy 2017.
- Consultation and workshops took place between December 2020 and November 2021.
- This report seeks the Strategy and Policy Committee's approval of the draft Parks and Reserves Policy and recommend that Council adopt the policy.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommend that Council adopt the Parks and Reserves Policy.

1) TĀHUHU KŌRERO / BACKGROUND

The previous Reserves Bylaw 2010 expired in 2017. New options to enable the regulation of activities on both Council controlled parks and reserves were presented to Council in an options report on 21 May 2020. The Council determined that (Resolution 2020/28 refers):

That Council agree:

- a) that a bylaw, under the Local Government Act, is the most appropriate way of addressing the problems of nuisance, health and safety and offensive behaviour on Council controlled parks and reserves.**
- b) that administration draft a statement of proposal for the Council to make a bylaw to regulate activities on Council controlled parks and reserves, and develop non-regulatory options such as guidelines, education programmes and signage to support the implementation of an adopted bylaw.**

In 2020, staff considered non-regulatory options per resolution (b) above. This resulted in a review of the Reserves Policy 2017 that determined that it was deemed not fit for purpose and that a new policy should be developed.

On 30 July 2020, the Strategy and Policy Committee determined that (Resolution 2020/3 refers):

"The Strategy and Policy Committee agrees and recommends to Council that new general policies for the management of parks and reserves be developed".

The new Parks and Reserves Policy at Attachment 1 is now presented for approval.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The options for the provision of guidance to Council and staff for the operation and management of Council controlled parks and reserves were outlined in the Options Report presented to the Committee on 30 July 2020, as follows:

1. Do nothing / maintain the status quo (retain the Reserves Policy 2017).
2. Develop a new general policies document for parks and reserves.

The Options Report recorded that *"Option 2 had been assessed as meeting the objectives and purpose of policy development, including providing a well- developed statement of position on ongoing or recurring matters and direction for responses or actions for staff, or for decisions of Council or a Committee. Option 2 would demonstrate consistency with legislation and Council plans and provide for all Council owned and administered open spaces (parks and reserves). In addition, the development of a new policy would benefit the review and development of Reserve Management Plans by reducing duplication of provisions while allowing the development of locally relevant policies."*

Subsequent workshops held with staff across the various Council groups, elected members, and a questionnaire conducted with the Domain Boards and Reserve Management Committees has highlighted a wide range of issues being experienced with the management of the Council's parks and reserves. These workshops, together with further research has reinforced the conclusions outlined in the 30 July 2020 Options Report.

In conclusion, the recommended option to adopt a new parks and reserves policy remains appropriate.

Issues with current policy

The Reserves Policy 2017 was an amalgamation of several reserve related policies as listed below:

- Reserves and Parks Management and Preservation
- Tree Management
- Reserve Management Committees
- Encroachments on Council-Owned Land
- Voluntary Rubbish and Litter Collection
- Smoke-free Reserves, Parks and Playgrounds

The Reserves Policy 2017 is missing content, contains ambiguous terminology, does not include parks, and includes policy statements affecting non reserves land e.g. roads, trees on Council properties and naming etc. The policy lacks guidance for Council and staff in management and operational matters that are often being experienced on parks and reserves, resulting in ad hoc decision-making affecting numerous topics, including the following:

- Leasing and licencing.
- Acquisition, disposal, and land exchange.
- Granting of easements.
- Encroachments
- Structures
- Lacks guidance on the provision of reserve management plans

Parks and reserves policy content

The new policy aligns with the current legislative framework and contains policy statements that address the following topics:

- Te Tiriti o Waitangi / Treaty of Waitangi
- Easements
- Acquisition, Disposal and Land Exchange
- Connectivity
- Structures
- Domain Boards and Reserve Management Committees
- Encroachments
- Reserves Management Plans
- Leases and Licences
- Esplanade Reserves and Esplanade Strips
- Application of Revenue
- Financial and development Contributions.

Further detailed schedules are provided for greater guidance and to streamline decision making on the following:

- Easement agreement bond and easement fee
- Criteria of acquisition, disposal, and land exchange (for parks and reserves only)
- Criteria for decisions for establishment of structures
- Role of Domain Boards and Reserve management Committees
- General provisions for building facilities.

The following content of the Reserves Policy 2017 does not carry over into the new policy:

- Naming – the naming of parks and reserves will be addressed within a new naming policy that will apply across the full spectrum of Council property, assets and District wide spaces and places.
- Tree management – a policy to address trees on all Council property is being considered.
- Voluntary rubbish and litter collection – addressed through the Litter Infringement Policy 2017.
- Smoke free reserves, parks, and playgrounds – to be reviewed and a new policy created to cover all Council property.

The following matters are not included in the new policy for the reasons outlined:

- Fencing – addressed in the Fencing Act 1978.
- Vehicles on beaches – to be addressed within the new parks and reserves bylaw and the road use bylaw.
- Growth demand / Gap analysis – to be considered during the development of the open spaces' strategy, growth strategy and spatial planning.

- Noxious plant control – to be addressed together with tree management.
- Animals – addressed under the Dog Management Policy 2018, Dog Management Bylaw 2018, and Part 5 of the Reserves Act 1977 and will be assessed as part of proposed new animal management bylaw.
- Nuisance behaviour – to be addressed in the new parks and reserves bylaw, the Health Act 2006, or via the existing offences and infringement provisions in Part 5 of the Reserves Act 1977.
- Freedom camping – to be considered upon issue of the proposed amendments to the Freedom Camping Act 2011. There is potential to include within the new parks and reserves bylaw.
- Community gardens – addressed in the Community Gardens Policy 2013.
- Roads (formed and unformed) – no activities associated with any aspect of a legal road are included in the new policy. Council is currently making a Road Use Bylaw for the regulation of activities in the road corridor.
- Town halls and community centres – addressed in the Community Halls Policy 2016.
- Cemeteries – addressed in the Cemeteries Policy 2016.
- Campgrounds – addressed in the Council Owned Campgrounds Policy 2016.

Relevant legislation and policies

A Parks and Reserves Policy is necessary as a non-regulatory tool to provide guidance to the Council and staff for the operation and management of parks and reserves. The policy accords with several statutes including the Reserves Act 1977, Local Government Act 2002, Resource Management Act 1991, Public Works Act 1981, and aligns with other Council strategic documents.

The new policy applies to all parks and reserves that are owned by the Council or where the administration, control and management of the park or reserve is vested in the Council.

The policy does not address matters of enforcement, these are either addressed through the existing offences and infringement provisions in Part 5 of the Reserves Act 1977, whilst the planned new parks and reserves bylaw will provide additional offences and infringement controls.

The Parks and Reserves Policy is the higher order document that will inform the proposed bylaw.

The Strategy and Policy Team has programmed to prepare an open spaces strategy that will also be informed by the parks and reserves policy and extend to cover other non-parks and reserves and, Council owned land holdings that are utilised by the public as open space, e.g. beaches, unformed roads etc.

Significance and engagement

A review in line with the Council's Significance and Engagement Policy concluded that there is high public interest in the topic of parks and reserves. However, the criteria for significance needs to be considered in relation to the content of the policy, and not parks and reserves themselves.

Therefore, the level of significance is low to medium, and Council is not obliged to publicly consult on the attached policy.

The Reserves Policy 2017 was adopted without consultation so it would be consistent to adopt the new policy without formal public consultation as appropriate project engagement has taken place.

Public consultation will occur during the development of the Open Spaces Strategy.

Policy and strategy considerations

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

- not including provisions that duplicate legislation or existing Council policy instruments (e.g., District Plan)
- following best practice drafting standards (as advocated by the Parliamentary Counsel Office)
- acknowledging policy will be subject to continuous review and may need to be revised with future legislation (e.g., Climate Adaption Act), and Council strategic planning documents (e.g., adopted District Plan and climate change policy etc).

Implications for Māori

The new policy aligns with the principles and requirements of Parts 2 and 6 of the Local Government Act 2002 by facilitating participation of Māori in decision making relating to parks and reserves.

It requires the Council to give effect to Iwi Hapū Management Plans and general partnership principles when conducting operational and strategic decision making for all matters relating to parks and reserves. It also requires the Council to have consideration to the cultural significance of parks and reserves land – mana whenua iwi worldview and cultural impact assessments when preparing reserve management plans and making strategic decisions that may affect these lands.

The issue of redress and disposition of lands has been raised through the various workshops. To address this matter, the following condition precedent applying to the future disposal of all parks and reserves land has been included:

“The Council will engage, discuss and listen to local Iwi on proposals to dispose of park or reserve land and will offer the land to Iwi, as a first right of refusal to purchase when the Council is not legally required to offer land for sale to the former owner under the Public Works Act offer back regime”.

It is anticipated that market valuation conditions would apply to the first right of refusal.

Implementation Actions

Approval of the policy will enable and give life to an associated work streams e.g., a review of delegations, classification of reserves, review of fees and charges, development of reserve management plans, and review of leases and licenses etc.

Take Tūtohunga / Reason for the recommendation

A Parks and Reserves Policy is necessary to provide staff, elected members, and the public with clear guidance on management issues associated with the Council's parks and reserves, to accord with the Reserves Act 1977, Local Government Act 2002, Resource Management Act 1991, Public Works Act 1981, and to align with other Council strategic documents.

The proposal in Attachment 1 is the culmination of further review, staff inter group and elected member workshop(s) and questionnaire with the Domain Boards and Reserve Management Committees.

Council staff recommend that the Committee:

- approves the proposal in Attachment 1.
- recommends to the governing body of the Council that the proposal in Attachment 1 be adopted.

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

The costs of implementing the policy will be met from existing budgets.

ĀPITIHINGA / ATTACHMENTS

1. **Draft Parks and Reserves Policy V17 - A3524684**  

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | <p>In line with the Significance and Engagement Policy the recommendation to adopt the policy will have little effect on financial thresholds, ratepayers, specific demographics, or levels of service.</p> <p>We acknowledge that there is high public interest in the topic of parks and reserves. However, we must consider the criteria for significance in relation to the content of the policy, and not parks and reserves themselves. The risk of consultation outweighs the benefits at this time. Public consultation will occur during the development of the Open Spaces Strategy.</p> <p>Therefore, the level of significance is low to medium, and Council is not obliged to publicly consult.</p> |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Local Government Act 2002, Reserves Act 1977, Resource Management Act 1991, Public works Act 1981, Reserve Management Plans, and Iwi Hapū Management Plans apply to the decision recommended in this report. |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | The policy has District wide relevance. The views of the Community Boards were considered during a workshop held with elected members. |
| State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. | <p>The policy in Section 1 stipulates that Council will give effect to the principles of Te Tiriti o Waitangi, Iwi Hapū Management Plans and general partnership principles when conducting operational and strategic decision making for all matters relating to parks and reserves.</p> <p>Further that Council will have consideration to the cultural significance of parks and reserves land – mana whenua iwi worldview and cultural impact assessments</p> |

Strategy and Policy Committee Meeting Agenda

8 February 2022

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | <p>when preparing reserve management plans and making strategic decisions that may affect these lands.</p> <p>The only trigger of significance in relation to the content of the policy is the criterion "Of specific interest to Māori". This is because of the inclusion of a statement under schedule 2 that states:</p> <p>"Council will engage, discuss and listen to local iwi on proposals to dispose of park or reserve land and will offer the land to iwi, as a first right of refusal to purchase when the Council is not legally required to offer land for sale to the former owners under the Public Works Act offer back regime."</p> <p>This addition is positive. It acknowledges Council obligations under Te Tiriti. For this reason, direct engagement with Iwi / Hapū is appropriate.</p> <p>Te Hono has provided advice that the policy does not need to be subject to specific Iwi / Hapū consultation.</p> |
| Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities). | <p>The following affected or interested people were directly notified on the policy development:</p> <ul style="list-style-type: none"> • Council internal groups including, Strategy and Policy, Infrastructure and Asset Management, Corporate Services, Democracy Services. • Councillors and Community Board elected members (workshop) • Domain Boards and Reserve Management Committees. • Department of Conservation. |
| State the financial implications and where budgetary provisions have been made to support this decision. | The cost of the policy development is covered by current operational budgets. |
| Chief Financial Officer review. | This report has been reviewed by the Chief Financial Officer. |

5.4 PROPOSAL FOR CONSULTATION - DRAFT PARKS AND RESERVES BYLAW**File Number: A3702920****Author: Zac Whitsitt, Policy Advisor****Authoriser: Darren Edwards, General Manager - Strategic Planning and Policy****TAKE PŪRONGO / PURPOSE OF THE REPORT**

To obtain approval for a new Parks and Reserves Bylaw to be released for public consultation and set a date for hearing oral presentations of submissions.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- The Reserves Bylaw 2010 automatically revoked in December 2017, under Section 160A of the Local Government Act 2002.
- The absence of a bylaw limits council's ability to protect the public from nuisance or maintain public health and safety.
- On 21 May 2020 council resolved to make the bylaw under the Local Government Act 2022.
- Council staff recommend that the bylaw is drafted under both the Reserves Act 1977 and the Local Government Act 2002.
- The Local Government Act 2002 requires that council consult when making a new bylaw.
- A proposal for a new Parks and Reserves Bylaw, including the draft of the new bylaw, is in Attachment 1.
- The recommended consultation period for written submissions is four (4) weeks, from 1 July to 29 July 2022.
- Oral hearings, if any, will be heard on 26 July 2022 by the Strategy and Policy Committee who has the delegations to conduct the hearing of submissions.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommend that Council:

- a) approve that the Parks and Reserves Bylaw be drafted under both the Reserves Act 1977 and the Local Government Act 2002 as it is the most appropriate way of addressing the problems of nuisance, health and safety and offensive behaviour on council-controlled parks and reserves**
- b) approve the Proposal for a new Parks and Reserves Bylaw in Attachment 1 to be released for public consultation to meet the requirements of the Local Government Act 2022 Section 156**
- c) approve the period for making written submissions on the proposal be from 1 July to 29 July 2022**
- d) approve the Strategy and Policy Committee to hear any oral submissions at the 26 July 2022 meeting, and agrees to delegate, to the Chair, the power to change the date of the oral presentations of submissions**
- e) directs council staff to make all necessary logistical arrangements for oral submissions to be heard on 26 July 2022, either in person in the council chambers or online via Microsoft Teams.**

1) TĀHUHU KŌRERO / BACKGROUND

The previous Reserves Bylaw came into effect in 2010. This was not reviewed prior to the review date of December 2017 which resulted in the bylaw being automatically revoked.

Since then, council has enforced issues of nuisance, public disorder, and health and safety under the Reserves Act 1977, Resource Management Act, Conservation Act, Summary Offences Act, and

Crimes Act, and both the Dog Management and Alcohol Control Bylaw; however, absence of a bylaw limits council's ability to protect the public from nuisance, maintain public health and safety or contribute to a reduction in offensive behaviour on parks and reserves.

On 21 May 2020, the governing body of Council determined that a bylaw, under the Local Government Act, is the most appropriate way of addressing the problems of nuisance, health and safety, and offensive behaviour on council-controlled parks and reserves.

Further work when completing the draft bylaw indicated that using both the Local Government Act 2002 and the Reserves Act 1977 allowed for greater protections to users of Parks and Reserves against nuisance, public health and safety concerns and offensive behaviour.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Form and Content of the new bylaw

The bylaw has been drafted under both the Local Government Act 2002 and Reserves Act 1977 to provide uniform powers of enforcement across parks and reserves in the Far North District. Staff recommend that the bylaw is written under both acts to provide greater protections to the public through a wider range of enforcement options against breaches of the bylaw.

The draft Parks and Reserves Bylaw is in the proposal (attachment 1). The purpose of this bylaw is to regulate the use of park and reserves under control of the Far North District Council, to ensure the public can utilise these spaces free from nuisances and offensive behaviour, while also protecting these parks and reserves from damage.

The new bylaw keeps the general intent of the previous bylaw and continues the same restrictions and controls relating to reserves.

However, the new bylaw also applies to parks to ensure consistency of regulation across all council owned parks and reserves.

The form of a bylaw is about its content and how it is drafted. A bylaw will be appropriate if it:

- deals with the identified problems
- meets the objectives it is intended to achieve
- is certain, e.g., it uses clear wording so people will understand what they are required to do
- is enforceable and able to be implemented and administered effectively and efficiently
- considers the relationship of Māori to land, water, sites, wāhi tapu, valued flora and fauna and other taonga
- complies with all relevant laws and legislation.

The costs and benefits of a bylaw also need to be considered and the form of a bylaw will be appropriate if the benefits outweigh the costs.

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

- ensuring the bylaw deals with the identified problems
- meets the objectives intended to achieve by reducing ambiguity regarding permitted behaviour on parks and reserves
- ensuring the bylaw is certain (clear) by
 - not including provisions that duplicate legislation or existing policy instruments
 - following best practice drafting standards (as advocated by the Parliamentary Counsel Office)
 - using plain English
- ensuring the bylaw sets clear enforcement actions
- considering the relationship of Māori to land, water, sites, wāhi tapu, valued flora and fauna and other taonga
- ensuring the bylaw complies with all relevant laws and legislation.

Appropriate clauses have been included that allow for written consent to be provided to permit activities within the provisions of the bylaw.

New Zealand Bill of Rights Act 1990 preliminary assessment

Section 155(2)(b) of the Local Government Act 2022 requires the content of the bylaw to be consistent with the New Zealand Bill of Rights Act 1990. A full impact assessment on the bylaw cannot be done until the content of the bylaw is finalised.

An initial assessment has identified that there may be some implications under Section 18(1) Freedom of Movement by preventing people from entering a reserve when it is closed. Council as a landowner of reserves is provided with reasonable measures to ensure the protection of land and that other people's rights and freedoms are maintained.

Potential implications under Section 21: Security Against Unreasonable Search of Seizure are also raised because of this bylaw; however, this bylaw does not confer any further powers of search and seizure that are not already provided for in legislation.

Section 5 of the New Zealand Bill of Rights Act 1990 provides a mechanism to outline reasonable limits as prescribed by law. Limitations on rights prescribed are made in accordance with Section 5.

This preliminary assessment is included in the proposal and is available for feedback which will be used in the full assessment when the content of the bylaw is finalised.

Proposal for Consultation

Section 156 of the Local Government Act 2002 requires council to consult using either the special consultative process or the requirements in Section 82 of the Local Government Act.

The Reserves Act 1977 states that bylaws are drafted under the provisions set out in the Local Government Act 2002.

Under the council's significance and engagement policy, the new bylaw does not meet the threshold for requiring the special consultative procedure as the new bylaw:

- does not involve a change of ownership or control of a strategic asset
- will not exceed financial thresholds
- will not have a significant impact on Māori, the public, or level of service as the new bylaw will have the same effect as the previous bylaw.

The Local Government Act 2002 section 82A establishes the procedure for public consultation and requires the following to be made publicly available:

- the proposal and the reasons for the proposal
- an analysis of the reasonably practicable options, including the proposal
- a draft of the proposed bylaw.

Council staff have prepared a proposal document that meets the requirements of section 82A, the proposal document is in Attachment 1.

Consultation Process

Section 82 of the Local Government Act 2002 does not stipulate a minimum length of time for consultation but requires the council, to give people "a reasonable opportunity" to present their views on the proposed bylaw. A consultation period of four (4) weeks is considered best practice. Council staff recommend consultation to open on 1 June and close on 29 July 2022 for written submissions, a period of four weeks.

Council encourages people who may be affected by or have an interest in the Parks and Reserves bylaw to participate in the submission process and is committed to receiving these submissions with an open mind and due consideration.

Council recommend that people present their views by making comments or submissions via the council website. A submission form will be provided for printing and made available at council offices for those unable to print who wish to make a written submission by post or deliver to council offices. Copies of the proposal documents and bylaw will also be made available at council offices. Council

maintains a subscribers database who will receive a link to the webpage. This link will also be published on council's social media pages.

It is anticipated that there will be some interest in this bylaw and some members of the public will wish to make their submission via oral submission to elected members. The Strategy and Policy Committee has delegated authority to hold oral submissions during consultation on the bylaw. Staff recommend the Committee sets an oral submission date now so it can be publicised during the period for making submissions and people will know when they will be heard. To allow time to logistics to be arranged, the earliest suitable date for a hearing would be the afternoon of Tuesday 26 July 2022– there are no Committee or Council meetings currently scheduled for that date.

Council staff also recommend that the Committee delegate to the Chair the power to change the oral submission date so that if there is a change in circumstances, or the number of people who want to be heard make the date unsuitable, a new date can be set without requiring the whole Committee to convene to make the decision.

Take Tūtohunga / Reason for the recommendation

Council staff recommend the Council:

- approves that the Parks and Reserves Bylaw be drafted under both the Reserves Act 1977 and the Local Government Act 2002
- approves the proposal in Attachment 1 to be published for consultation because it meets the requirements of section 82A of the Local Government Act 2002
- agrees the period for making written submissions be from 1 July to 29 July 2022 to meet best practice of providing at least one month for people to make submissions
- agrees to hold oral hearings on 26 July 2022, because that date does not clash with scheduled Committee or Council meetings and directs staff to make the necessary logistical arrangements for people to present their submissions either in person in Council Chambers or online via Microsoft Teams on that date.
- delegates to the Chair the power to change the date of oral hearings if the date is made unsuitable due to other events or a change in the number of people who wish to be heard without requiring the whole Committee to be convened to decide on a new date.

Next Steps

If the Council agrees with the recommendations, council staff, will aim to provide an analysis of submissions and an updated proposed Parks and Reserves Bylaw to council for adoption on 22 September 2022.

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

The cost of consulting on the proposal for a new Parks and Reserves Bylaw will be met from existing budgets.

ĀPITI HANGA / ATTACHMENTS

1. **Proposal - Parks and Reserves Bylaw - A3702934**  

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | The level of significance is assessed as low in line with the Significance and Engagement policy. The proposal to make a new bylaw will have little effect on financial thresholds, ratepayers, specific demographics or levels of service and is consistent with existing plans and policies. |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Local Government Act 2002 Section 82, 145, 146, and 156 and Sections 106 and 107 of the Reserves Act 1977 apply to the decision recommended in this report. A preliminary assessment of the impact on the New Zealand Bill of Rights Act 1990 is contained in this report. |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | The proposal has district-wide relevance but is not within the delegations of Community Boards to consider. |
| State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | Implications for Iwi and Hapū are the same communities generally. Seeking the views and input of iwi in the development of bylaws is integral. Māori will be given an opportunity to contribute during the consultation stage of the bylaw development process. |
| Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities). | Affected and interested parties will be given an opportunity to share their views and preferences during the consultation phase including: <ul style="list-style-type: none"> • Public users of reserve land. |

| | |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| State the financial implications and where budgetary provisions have been made to support this decision. | The cost of consulting on the proposal for a new Parks and Reserves Bylaw will be met from existing budgets |
| Chief Financial Officer review. | The Chief Financial Officer has approved this report |



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Statement of Proposal

Parks and Reserves Bylaw

1 Context and Situation

The Council owns a significant number of parks and reserves that provide cultural, historical, recreation, leisure, environmental, accessibility and amenity need for residents and visitors to the Far North region. Councils have the power to make bylaws for the purpose of regulating, managing, and controlling use and access to parks and reserves.

The previous Reserves Bylaw was made on Thursday 9 December 2010 by council. The bylaw was due for review in December 2017; however, a review did not take place by this date. This means the bylaw automatically revoked, under section 160A of the Local Government Act 2002.

Absence of a Parks and Reserves bylaw limits the council's ability to act as custodians over parks and reserves. Some protections, regulatory abilities and legislative statutes can be applied under the Reserves Act, Resource Management Act, Conservation Act, Summary Offences Act and Crimes Act, and both the Dog Management and Alcohol Control Bylaw, although they do not provide abilities broad enough to protect the public from nuisance, maintain public health and safety or contribute to a reduction in offensive behaviour on parks and reserves.

On 30 June 2022, under section 155 of the Local Government Act 2002, the governing body of the council determined that:

- a bylaw, under both the Reserves Act 1977 and the Local Government Act 2002, is the most appropriate way of addressing the problems of nuisance, health and safety and offensive behaviour on council-controlled parks and reserves.

A bylaw has been drafted under the Local Government Act 2002 and the Reserves Act 1977 which provides the most appropriate range of enforcement tools to ensure continued safe access to parks and reserves. Both acts provide mechanisms for enforcement and regulation over parks and reserves; ensuring the public can be protected from nuisance, public health and safety concerns, and offensive behaviour.

2 Proposal

The council proposes to make a new bylaw under section 106 of the Reserves Act 1977 and section 145 of the Local Government Act 2002 to empower the council to take actions that ensure the public can utilise parks and reserves free from nuisance and offensive behaviour.

3 Reasons for the proposal

The previous Reserves Bylaw automatically revoked, under section 160A of the Local Government Act 2002, in December 2017. Council is not able to fully regulate behaviour and prevent damage to parks and reserves under current legislation. Therefore, to regulate the use of parks and reserves, preventing nuisance, offensive behaviour and damage a new bylaw must be made.

4 Analysis of the reasonably practicable options

On 20 May 2020, the governing body of the council considered four options for addressing problems relating to the use of council owned parks and reserves:

- do nothing / maintaining the status quo
- provide information, education, and advice
- make a bylaw under the Reserves Act 1977
- make a bylaw under the Local Government Act 2002.

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

| Option | Advantages | Disadvantages |
|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Do nothing/maintaining the status quo | | <ul style="list-style-type: none"> • Does not protect the public from nuisance. • Does not protect, promote, and maintain public health and safety. • Minimise the potential for offensive behaviour • Protect both parks and reserves and their associated assets. |
| Non-regulatory options/education/guidelines/signage | <ul style="list-style-type: none"> • An important part of ensuring consistent messaging and clear expectations. | <ul style="list-style-type: none"> • Will not work on all users • No enforcement abilities when expectations are not met • In isolation, does not provide tangible protection to parks and reserves. |
| Make a bylaw under the Reserves Act 1977 | <ul style="list-style-type: none"> • Allows council to regulate activities not covered under the Reserve Act. • Allows for penalties to be imposed when breaches of bylaw are made. | <ul style="list-style-type: none"> • Does not meet all objectives by itself. • Does not expand to all 'open spaces' including parks. • Offences need to be proven in court for be imposed. |
| Make a bylaw under the Local Government Act 2002 | <ul style="list-style-type: none"> • Address a wider suite of problems. • Provide council staff with enforcement powers and abilities. | |

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|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| | <ul style="list-style-type: none"> • Can be applied across a wider definition of spaces including parks. • Can be paired with Reserves Act to provide an effective bylaw. | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

A further option was presented to council on 30 June 2022.

| Option | Advantages | Disadvantages |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Draft a bylaw under both the Reserves Act 1977 and the Local Government Act 2002 | <ul style="list-style-type: none"> • Provides council staff with greater enforcement powers and abilities. • Can be applied across a wider definition of spaces including parks • Effective use of legislative tools and powers to regulate behaviour to protect the public against nuisance, health and safety concerns and offensive behaviour. | |

On 30 June 2022, council resolved to draft a bylaw under both the Reserves Act 1977 and the Local Government Act 2002 to provide the most effective bylaw to preserve the rights of the public to enjoy parks and reserves free from nuisances, health and safety concerns and offensive behaviour.

5 New Zealand Bill of Rights Act 1990 implications

Section 155(2)(b) of the Local Government Act 2002 requires the council to consider whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. The New Zealand Bill of Rights Act 1990 affirms, protects, and promotes our human rights and fundamental freedoms in Aotearoa, New Zealand and is designed to protect New Zealanders against actions of the State.

A full assessment of the impact of the bylaw on these rights cannot be done until the content of the bylaw is finalised. Initial assessment of the proposed bylaw has identified that there may be some implications under Section 18(1) which states that everyone lawfully in New Zealand has the right to freedom of movement by preventing people from entering a reserve when it is closed, or an event is being held. As the Council is the owner of park and reserve land, reasonable measures to ensure the protection of the land and other people's rights and freedoms are maintained.

The proposed bylaw may also have implications on Section 21: Security Against Unreasonable Search or Seizure, whether of the person, property, or correspondence. Enforcement of the bylaw is provided for under section 163 of the Local Government Act 2002. This bylaw does not confer new abilities that are not already provided for under legislation.

Section 5 of the New Zealand Bill of Rights Act 1990 provides a mechanism to outline reasonable limits as prescribed by law. Limitations on rights prescribed are made in accordance with Section 5 of the New Zealand Bill of Rights Act 1990.

6 Impact on Māori

This bylaw gives effect to te Tiriti o Waitangi by ensuring the rights of Māori are maintained. Council recognises the importance of the whenua to te ao Māori. Parks and Reserves may have special, significant, and culturally important features considered taonga by Māori. This bylaw protects access to these sites of special significance and allows council to actively respond to concerns and issues of nuisance, health and safety, and accessibility.

7 How to give your views on the proposal

The Council encourages any person or organisation affected by, or having an interest in, the Parks and Reserves Bylaw to present their views on the proposal to the council by making a submission.

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

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

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

- the council to acknowledge receipt of your submission
- to make an oral presentation – you will be contacted about when and where the meetings for this are taking place.

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

7.1 Draft Parks and Reserves Bylaw

The draft Parks and Reserves Bylaw is as follows:

Part 1: Preliminary provisions

1 Title

This bylaw is the Parks and Reserves Bylaw 2022.

2 Commencement

This bylaw comes into force on XX Month 2022.

3 Application

This bylaw applies to all Parks and Reserves under the control, management or ownership of the Far North District Council.

4 Purpose

The purpose of this bylaw is to regulate the use of Parks and Reserves under the control, management or ownership of the Far North District Council, to ensure the public can utilise these spaces free from nuisances and offensive behaviour, while also protecting these parks and reserves from damage.

5 Interpretation

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

Aircraft has the same meaning as in section 2 of the Civil Aviation Act 1990.

Animal has the same meaning as in section 2 of the Animal Welfare Act 1999 but excludes dogs.

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

Authorised Person means any person authorised by the Council to carry out functions or exercise any powers under this bylaw.

Commercial Activities means any activities involving trade, commerce, or any activities relating to the supply or acquisition of goods or services.

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

Drone means any unmanned machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth.

Enforcement Officer means an officer appointed by the Council under section 177 of the Local Government Act 2002 or any person appointed or deemed to be a Ranger under the Reserves Act 1977.

Park has the same meaning as in section 138(2) of the Local Government Act 2002.

Reserve has the same as in section 2(1) of the Reserves Act 1977.

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

(2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Reserves Act 1977 unless the context plainly requires a different meaning.

(3) The Interpretation Act 1999 applies to this bylaw.

(4) Explanatory notes and related information boxes are for information purposes only, do not form part of this bylaw, and may be inserted, amended, or removed by the Far North District Council without any formality at any time.

Part 2: Substantive provisions

6 Entry and Access to Parks and Reserves

(1) No person shall enter or leave any Reserve except through the gateways, entrances or exits that are provided for that purpose.

- (2) No person may enter or remain in any Park or Reserve or part of a Park or Reserve when that Park or Reserve, or part of that Park or Reserve is closed to the public, unless prior Approval has been provided by Council.
- (3) Where any Park or Reserve, or part of a Park or Reserve, is being used with the permission of Council for a function or event to which an admission fee is being charged, no person shall enter or attempt to enter the Park or Reserve or such part of the Park or Reserve without paying the admission fee being charged for that function or event.
- (4) Where any Park or Reserve, or part of a Park or Reserve, is being used with the permission of Council for a private function or event, no person shall enter or attempt to enter the Park or Reserve or such part of the Park or Reserve being used without the consent of the organiser of that function or event.

7 Obstructing Access to Parks and Reserves

- (1) No person shall without the prior Approval of Council:
 - a. Obstruct the entrances or exits to any Park or Reserve.
 - b. Place or leave any object or thing in any Park or Reserve that could obstruct public access to any Park or Reserve.

8 Assemblies and Events

- (1) No person shall hold, or conduct, or attempt to hold or conduct, any public meeting, fair, gathering, demonstration, or any similar event, or make any public address, in any Park or Reserve except with the prior Approval of Council, and in accordance with any conditions or restrictions which might be imposed under said Council Approval.
- (2) A copy of the prior Council Approval must be available for viewing upon request by Council or an Enforcement Officer during the period that the Assembly or Event is being undertaken on said Park or Reserve.

9 Storing and Parking of Motor Vehicles and Boats

- (1) No person shall store or park any Vehicle, trailer, boat or kayak in any Park or Reserve other than in areas set aside for such parking or storage, without prior Approval from Council.
- (2) Any person storing or parking any Vehicle, trailer, boat or kayak in any Park or Reserve shall obey all signs or notices concerning storage and parking displayed in that Park or Reserve.
- (3) No person shall carry out any repairs or maintenance work on any Vehicle, boat, trailer or kayak in a Park or Reserve unless:
 - a. They have prior Approval from Council; or
 - b. The repairs or maintenance work is permitted by a resource consent issued by Council; or
 - c. The Vehicle, boat or trailer has broken down in the immediate vicinity of a Park or Reserve and repairs are necessary to necessitate the removal of said Vehicle, boat or trailer from the Park or Reserve. The Vehicle, boat or trailer may only remain in the Park or Reserve for a reasonable period of time for the repairs to occur and must be immediately removed from the Park or Reserve if requested by Council.

10 Operation of Vehicles

- (1) No person shall drive any Vehicle in a Park or Reserve except on a part of a Park or Reserve that is set aside by Council for vehicle traffic. This restriction does not apply to Council staff, contractors or emergency service vehicles.
- (2) A part of a Park or Reserve shall be deemed to be set aside by Council for vehicle traffic if a vehicle carriageway or track has been formed by Council or if signage at said Park or Reserve authorises vehicle traffic.
- (2) No person shall operate or drive any Vehicle in any Park or Reserve in breach of any restrictions advertised on any signs or notices displayed in that Park or Reserve. This includes any speed limit restrictions as advertised by applicable signage.
- (3) In the absence of speed limit signs, no Vehicle shall be driven at a speed greater than 15 kilometres an hour in any Park or Reserve.
- (4) A person must not drive a Vehicle in a Park or Reserve in a dangerous manner.

11 Behaviour in Parks and Reserves

- (1) No person may obstruct, disturb or in any way interfere with any other person in their use or enjoyment of a Park or Reserve.
- (2) No person may intimidate, endanger or cause a nuisance to any other person in their use or enjoyment of a Park or Reserve.
- (3) No person may let off any fireworks in any Park or Reserve without prior Approval from Council.
- (4) No person may light a fire in a Park or Reserve unless they have prior Approval from Council.
- (5) No person may undertake any behaviour or activity in a Park or Reserve that causes damage to that Park or Reserve or any Council property located in that Park or Reserve.

12 Dogs

- (1) No person shall bring any dog on to any Park or Reserve, or allow any dog in their custody or under their control to remain on any Park or Reserve, unless the dog is on a leash or is within an area specified by the Council's Dog Management Policy as an area where dogs are permitted off leash, or as a dog exercise area.
- (2) All persons with a dog under their control in any Park or Reserve must comply with any signage concerning the control of dogs erected at said Park or Reserve.

Related information

See Council Dog Management Bylaw

<https://www.fndc.govt.nz/Your-Council/Plans-Policies-Bylaws->

13 Animals

- (1) No person shall bring any Animal on to any Park or Reserve, or allow any Animal in their ownership, in their custody or under their control to remain on any park or reserve unless that species of Animal is authorised by Council to access said Park or Reserve or they have Council Approval to allow a designated Animal to access a designated Park or Reserve.
- (2) Council authorisation shall be recorded by signage erected on said Park or Reserve.
- (3) No person shall bring any Animal on to any Park or Reserve, or allow any Animal in their ownership, in their custody or under their control to remain on any Park or Reserve in breach of any restrictions advertised on any signs or notices displayed in that Park or Reserve.
- (4) A person in control of any Animal on any Park or Reserve must ensure that the Animal is kept under control so as to not create a danger or nuisance for any other person using the Park or Reserve.

14 Commercial Activity

No person shall undertake any Commercial Activities in any Park or Reserve without prior written Approval from Council and a copy of that written Approval must be available for viewing upon request by Council or an Enforcement Officer during the period that the Commercial Activity is being undertaken on said Park or Reserve.

15 Encroachments

No person may permit or allow any building, object or thing to encroach onto a Park or Reserve without Approval from Council.

16 Trees and Vegetation

- (1) No person may remove, damage, prune, poison or cut any tree, plant, vegetation or seed in a Park or Reserve without prior Approval from Council.
- (2) No person may remove, damage or disturb any soil, dirt, gravel, sand or other natural matter from any Park or Reserve without prior Approval from Council.
- (3) No person may plant or introduce any plant, tree, shrub, seed or plant matter of any kind to a Park or Reserve without Council Approval.

17 Aircraft

- (1) No person shall take off, land or operate any Aircraft in any Park or Reserve without prior Approval from Council, except in cases of emergency.
- (2) No person shall operate a Drone in any Park or Reserve in breach of the New Zealand Civil Aviation Rules or any other rules or regulations issued by the New Zealand Civil Aviation Authority in respect of drones.

18 Camping

- (1) No person shall camp in any Park or Reserve unless the Park or Reserve is listed in the Far North District Council Camping in Public Places Policy.
- (2) All persons camping in any part of a Park or Reserve must comply with the conditions for camping at Council camping sites in the Far North District Council's Camping in Public Places Policy.

Related information

See Council's Camping in Public Places Policy

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/policies/council-external-policies/camping-in-public-places-2016.pdf>

19 Requirement to leave a Park or Reserve

- (1) A person committing a breach of this bylaw shall, upon request by the Council, or an Enforcement Officer, immediately leave the Park or Reserve for such period as the Council or Enforcement Officer deems fit.
- (2) The requirement to depart a Park or Reserve under subclause (1) does not limit any potential liability for any breaches of this bylaw.

Part 3: Approvals

20 Approvals

- (1) Where any Approval from Council is required by this bylaw, a person who seeks that Approval must:
 - a. Apply in writing to Council for the approval which may include using the applicable application form for that Approval;
 - b. Provide the information required or requested by Council; and
 - c. If applicable pay the fee set for that Approval in the Far North District Council fees and Charges Policy.
- (2) Council may grant or refuse to grant the requested Approval.
- (3) The Approval from Council will be in written form and may include a lease, licence, order, letter or other written document.
- (4) The Approval may be granted on such terms and conditions as Council considers appropriate.
- (5) The Approval may be granted for a set term after which the Approval will expire.
- (6) Council may revoke the Approval if any of the terms and conditions of the Approval are not complied with.
- (7) Council may revoke any Approval that has been granted at any time if the circumstances under which the Approval was granted have changed since the Approval was granted.

Part 4: Enforcement

21 Removal or alteration of a work or thing

The Council may under section 163 of the Local Government Act 2002, remove or alter a work or thing that is or has been constructed in breach of this bylaw, and may recover the costs of the removal or alteration from the person who committed the breach.

Related information

The Far North District Council also has the power to seize and impound property that is not on private land and is materially involved in the commission of a breach of a bylaw.

22 Offences

Every person who fails to comply with the requirements of this bylaw or breaches this bylaw commits an offence

under the Local Government Act 2002 and / or the Reserves Act 1977 and is liable to the penalties set out in those Acts.

Part 5: Savings and transitional provisions

23 Bylaw does not limit any other enactment

This bylaw does not limit or affect the application of or the requirements in or under any other enactment.

Related information

Breaches of this bylaw may also constitute offences under other legislation (among others) such as:

- (a) Land Transport Act 1962;
- (b) Litter Act 1979;
- (d) the Conservation Act 1987; and
- (e) Resource Management Act 1991.

24 Applications, Approvals in force as at commencement of this bylaw

Any lease, licence, order, letter or other written Approval provided by Council in respect of a park or reserve that was current as at the commencement of this bylaw shall constitute an Approval under this bylaw.

5.5 AMENDED POU HERENGA TAI TWIN COAST CYCLE TRAIL BYLAW - APPROVAL OF DRAFT FOR PUBLIC CONSULTATION

File Number: A3691409

Author: Briar Macken, Team Leader - Policy

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

TAKE PŪRONGO / PURPOSE OF THE REPORT

To obtain approval for the amended Pou Herenga Tai – Twin Coast Cycle Trail Bylaw to be released for public consultation and set a date for hearing oral presentations of submissions.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- On the 08 September 2016 the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw was made under section 145 of the Local Government Act 2002.
- On 12 August 2021, the Bylaw was reviewed under section 158 of the Local Government Act 2002. Council determined that the Bylaw should continue with amendment.
- The Local Government Act 2002 requires that Council consult when amending a bylaw.
- A statement of proposal for an amended Pou Herenga Tai – Twin Coast Cycle Trail Bylaw, including a draft of the amended bylaw, in is Attachment 1.
- The recommended consultation period is for one month from 20 June to 20 July 2022 and oral submissions, if required, be held on 26 July 2022.
- The Strategy and Policy Committee has the necessary delegations to conduct the hearing of submissions.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee:

- a) approves the proposal for an amended Pou Herenga Tai – Twin Coast Cycle Trail Bylaw in Attachment 1 to be released for public consultation to meet the requirements of section 156 of the Local Government Act 2002**
- b) approves the period for making written submissions on the statement of proposal in Attachment 1 be from 20 June 2022 to 20 July 2022**
- c) approves the Strategy and Policy Committee will hear any people wanting to present their submissions orally on Tuesday 26 July 2022 and agrees to delegate, to the Chair, the power to change the date of the oral presentations of submissions**
- d) directs Council staff to make all necessary logistical arrangements for people to be heard, on 26 July 2021, either in person in the council Chambers or online via Microsoft Teams.**

1) TĀHUHU KŌRERO / BACKGROUND

Under section 158 of the Local Government Act 2002, the Bylaw was due for review by 08 September 2021. The Council was required under section 160 of the Local Government Act 2020 to consider whether the Bylaw:

- is still the most appropriate way of addressing the perceived problem with respect to the cycle Trail
- is still the most appropriate form of bylaw
- gives rise to any implications under the New Zealand Bill of Rights Act 1990.

On 12 August 2021, under section 155(1) of the Local Government Act 2002, the governing body of the Council determined that:

- a bylaw is the most appropriate way of addressing problems related to the Pou Herenga Tai – Twin Coast Cycle Trail
- the current Pou Herenga Tai - Twin Coast Cycle Trail Bylaw is not the most appropriate form because:
 - it is not consistent with relevant laws and legislation
 - it is not certain.
- the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw be continued with amendment to:
 - ensure consistency with relevant laws and legislation
 - improve certainty.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Form and content of amended bylaw

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

As stated in the report that recommended amending the Bylaw [12 August 2021 Agenda item 7.6 document number A3307827 pages 85-104 refers], the Bylaw has been drafted under both section 145 of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011.

The form of a bylaw is about its content and how it is drafted. A bylaw will be appropriate if it:

- deals with the identified problems
- meets the objectives it is intended to achieve
- is certain, e.g. it uses clear wording so people will understand what they are required to do
- is enforceable and able to be implemented and administered effectively and efficiently
- considers the relationship of Māori to land, water, sites, wāhi tapu, valued flora and fauna and other taonga
- complies with all relevant laws and legislation.

The costs and benefits of a bylaw also need to be considered and the form of a bylaw will be appropriate if the benefits outweigh the costs.

The review identified that some provisions in the current Bylaw are not certain. Therefore, amendments were recommended to improve clarity particularly regarding

- the definition of the Cycle Trail
- the areas of the Cycle Trail which are already covered by existing legislation or bylaws.

The current Bylaw is not consistent with relevant laws and legislation including but not limited to:

- Dog Management Bylaw
- Solid Waste Bylaw
- Land Transport Rules
- Freedom Camping Act 2011
- Local Government Act 2002
- removing reference to revoked bylaws.

The draft amended Bylaw in attachment 1 has addressed these issues with form and content by:

- drafting the bylaw under both the Freedom Camping Act 2011 and Local Government Act 2002
- improving the clarity and certainty of the bylaw in particular the definition of the Cycle Trail and providing clear maps of the Cycle Trail in Schedule 1 (Attachment 2)
- removing provisions that duplicate legislation or existing policy instruments
- removing reference to revoked bylaws

- ensuring consistency across Council's bylaws
- removing provisions which may be considered *ultra vires*
- ensuring best practice drafting standards have been followed (as advocated by Parliamentary Counsel Office)
- using plain English

Attachment 3 shows the proposed amendments to the current as 'tracked changes'.

Pou Herenga Tai Twin Coast Cycle Trail Trust has been consulted on the proposed amendments and staff have been given an opportunity to input into both the review of and the proposed amendments to the Bylaw.

New Zealand Bill of Rights Act 1990 preliminary assessment

Part 2 of the New Zealand Bill of Rights Act 1990 sets out twenty rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. Section 155(2)(b) of the Local Government Act 2002 requires the Council to determine if the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. The Council will fully assess these implications before it makes the amendments to the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw.

However, a preliminary assessment has identified the Bylaw may potentially have implications on Section 14: Freedom of Expression in that the bylaw prohibits anyone from advertising or applying graffiti to any part of the Trail. These restrictions are in place to prevent damage to the Trail and protect the community's interest in maintaining an open space. These restrictions are also to protect the health and safety of users from distracting advertising or graffiti. Overall, these restrictions have a minimal impact on the right of freedom of expression and are proportionate to the negative effects the restrictions are attempting to mitigate.

The Bylaw may also potentially have implications on Section 18: Freedom of Movement in that the Bylaw prohibits anyone to drive a motor vehicle on the Trail. These restrictions are in place to protect cyclists and pedestrians from harm as the trail is specifically designed for pedestrians and cyclists rather than vehicles.

The bylaw's provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so to in order to protect the health and safety of other individuals.

The Bylaw may also potentially have implications on Section 21: Security Against Unreasonable Search or Seizure, whether of the person, property, or correspondence. However, the bylaw does not contain any new powers for search or seizure, the applicable powers (that are cross-referenced in the bylaw) are provided by statute. As such the bylaw does not raise any implications under section 21 of the Bill of Rights Act 1990.

Any limitations on the rights mentioned are likely to be reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. This is because the restrictions imposed are minimal, they provide benefits and protect the rights of the wider community and are proportional to the aims they are seeking to achieve. It is therefore assessed that the restrictions are justified in accordance with the New Zealand Bill of Rights Act 1990 and as such the bylaw is not currently considered to raise any Bill of Rights Act implications.

Proposal for consultation

The amended Bylaw will be made under section 145 of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011. The current Bylaw prohibits camping on the Trail, making the Bylaw under the Freedom Camping Act 2011 will not change the current regulation, but will give Council more enforcement options.

Under section 156 of the Local Government Act 2002 Council must consult using either the special consultative procedure or the requirements in section 82 of the Local Government Act. Under section 11 of the Freedom Camping Act 2011, Council must use the special consultative procedure when making or amending a bylaw made under that Act.

Therefore, consultation needs to comply with section 83 - special consultative procedure of the Local Government Act 2002.

Section 83 of the Local Government Act 2002 sets out the requirements for information to be made available for consultation. Those requirements are to provide:

- the statement of proposal and the reasons for the proposal
- an analysis of the reasonably practicable options
- a draft of the proposed bylaw

Council staff have prepared a proposal document that meets the requirements of section 83. The statement of proposal document is in Attachment 1.

Consultation process

Section 83 of the Local Government Act 2002 stipulates a minimum length of one month for consultation. Therefore, Council staff recommend consultation to open on 20 June 2022 and close on 20 July 2022 which is a period of one month.

Council staff recommend people be encouraged to present their views primarily by making comments or submissions via the Council's website. A submission form will be provided for download on the website for people to print and use to make written submissions either by post or delivery to Council offices. A small number of printed copies of the proposal document and submission form will be made available at Council offices for people to use if they are not able to print the documents themselves. A link to the webpage for making submissions will be emailed to the Council's "subscribers" database and publicised on the Council's social media pages.

The proposed new bylaw is likely to be of some interest to the public and Council staff expect some people will want to present their submissions orally to elected members. The Committee has delegated authority to hear submissions made during consultation on a bylaw. Staff therefore recommend the Committee sets a hearing date now so it can be publicised during the period for making submissions and people will know when they will be heard. To allow time for hearing logistics to be arranged, the earliest suitable date for a hearing would be Tuesday 26 July 2022 – there are no Committee or Council meetings currently scheduled for that date.

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

Take Tūtohunga / Reason for the recommendation

On 12 August 2021, Council determined that the Bylaw should continue with amendment.

The Local Government Act 2002 and Freedom Camping Act 2011 requires that Council consult when amending a bylaw.

A statement of proposal for an amended Pou Herenga Tai – Twin Coast Cycle Trail Bylaw, including a draft of the amended bylaw, in is Attachment 1.

The recommended consultation period is for four weeks from 20 June to 20 July 2022 and oral submissions, if required, be held on 26 July 2022.

The Strategy and Policy Committee has the necessary delegations to conduct the hearing of submissions.

Next steps

If the Committee approves the recommendation, staff aim to present an analysis of submissions and a proposed final version of the amended Bylaw to the Strategy and Policy Committee on 06 September 2022.

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

The costs of the consultation on the proposal to amend the Pou Herenga Tai Twin Coast Cycle Trail Bylaw will be met from within existing budgets.

ĀPITI HANGA / ATTACHMENTS

1. Statement of Proposal - Pou Herenga Tai - Twin Coast Cycle Trail Bylaw - A3711894 [↓](#) 
2. Pou Herenga Tai - Twin Coast Cycle Trail Bylaw -Schedule 1 (Maps) - A3711901 [↓](#) 
3. Pou Herenga Tai - Twin Coast Cycle Trail Bylaw showing amendments - A3711897 [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

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

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

| He Take Ōkawa / Compliance Requirement | Aromatawai Kaimahi / Staff Assessment |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy | In line with the Significance and Engagement Policy the recommendation to continue the bylaw with amendment will have little effect on financial thresholds, ratepayers, specific demographics or levels of service. The recommendation is consistent with existing plans and policies and we already consulted on the original bylaw. Therefore, the level of significance is low. However, a special consultative procedure is required under section 11 of the Freedom Camping Act 2011. |
| State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision. | The Local Government Act 2002, sections 82, 83, 145, 155 and 160 and the Freedom Camping Act section 11 applies to the decision recommended in this report. |
| State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought. | The Pou Herenga Tai – Twin Coast Cycle Trail Bylaw is not within the delegations of the Community Boards. As the recommendation is to continue a district wide bylaw, the community Boards views have not been sought. |
| State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi. | Seeking the views and input of iwi in the development of bylaws is integral. Māori will be given an opportunity to contribute during the consultation stage of the bylaw development process. |
| Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities). | Affected and interested parties will be given an opportunity to share their views and preferences during the consultation phase including; <ul style="list-style-type: none"> • Pou Herenga Tai – Twin Coast Cycle Trail Trust • Northern Transport Alliance |

| | |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none">• Neighbouring property owners• Community groups concerned about the Cycle Trail in their community |
| State the financial implications and where budgetary provisions have been made to support this decision. | The costs of the consultation on the proposal to amend the Pou Herenga Tai Twin Coast Cycle Trail Bylaw will be met from within existing budgets. |
| Chief Financial Officer review. | This report has not been reviewed by the Chief Financial Officer. |



Statement of Proposal

Pou Herenga Tai – Twin Coast Cycle Trail Bylaw

1 Context and Situation

The New Zealand Cycle Trail project (Ngā Haerenga) is a New Zealand Government initiative, co-funded with local councils to build and operate a network of cycle trails or 'Great Rides' throughout the country. Pou Herenga Tai – Twin Coast Cycle Trail (Cycle Trail) is an 87 km cycle trail starting at Opuā on the east coast and traversing across to the Hokianga Harbour on the west coast.

Council determined on 15 June 2016 that a bylaw is the most appropriate way of managing the Trail because there is no single regulatory instrument for the management of the use of the Trail which is on private land, Crown land, road reserve, and land vested under the control of the council.

The council's Pou Herenga Tai – Twin Coast Cycle Trail Bylaw (Bylaw) was made on 08 September 2016 under section 145 of the Local Government Act 2002. The purpose of the Bylaw is to:

- protect, promote and maintain the safety of people using the Trail or working and living in proximity to the Trail
- protect from nuisance those using the Trail or working and living in proximity to the Trail
- minimise damage to the Trail
- protect and maintain the natural and wildlife values and habitats in the vicinity of the Trail.

Under section 158 of the Local Government Act 2002, the Bylaw was due for review by 08 September 2021. The Council was required under section 160 of the Local Government Act 2020 to consider whether the Bylaw:

- is still the most appropriate way of addressing the perceived problem with respect to the cycle Trail
- is still the most appropriate form of bylaw
- gives rise to any implications under the New Zealand Bill of Rights Act 1990.

On 12 August 2021¹, under section 155(1) of the Local Government Act 2002, the governing body of the council determined that:

- a bylaw is the most appropriate way of addressing problems related to the Pou Herenga Tai – Twin Coast Cycle Trail
- the current Pou Herenga Tai - Twin Coast Cycle Trail Bylaw is not the most appropriate form because:
 - it is not consistent with relevant laws and legislation
 - it is not certain.
- the Pou Herenga Tai - Twin Coast Cycle Trail Bylaw be continued with amendment to:

¹ [FNDC Council Meeting Minutes 12 August 2021](#)

- ensure consistency with relevant laws and legislation
- improve certainty.

2 Proposal

The council proposes to continue with amendment to the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw under section 145 of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011 to protect, promote and maintain the health and safety of cycle trail users, to protect from nuisance those using the Trail and to minimise damage to the Trail.

3 Reasons for the proposal

The council is required under section 158 of the Local Government Act 2002 to review a bylaw five years after it is made. The bylaw was reviewed on 12 August 2021, and council determined to continue the bylaw with amendment. Council must, under section 156 of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011 consult on any amendments to the bylaw.

To continue effective regulation of the Pou Herenga Tai – Twin Coast Cycle Trail amendments should be made to the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw.

4 Analysis of the reasonably practicable options

The governing body of the council considered three options for addressing problems relating to the Pou Herenga Tai – Twin Coast Cycle Trail:

- Continue the Bylaw with amendment
- Continue the Bylaw without amendment
- Do nothing: allow the Bylaw to auto revoke

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

| Option | Advantages | Disadvantages |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Bylaw continues with amendment | <ul style="list-style-type: none"> • Bylaw will align with relevant laws and legislation • Bylaw will allow for easier enforcement of provisions • Bylaw will have improved clarity and certainty | Implementation costs (likely to be minor) |
| The Bylaw continues without amendment | <ul style="list-style-type: none"> • No change management process required • No implementation costs required | <ul style="list-style-type: none"> • Bylaw is not consistent with relevant laws and legislation • Bylaw does not easily enable Council staff to enforce certain provisions • Potential for reputation risk as Bylaw is not effective nor certain. |

| | | |
|---------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Do nothing: allow the Bylaw to auto revoke | | Allowing the Bylaw to auto-revoke and not implementing another viable option to protect public health and safety along the Cycle Trail is not a reasonably practicable option. |
|---------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

5 New Zealand Bill of Rights Act 1990 implications

Part 2 of the New Zealand Bill of Rights Act 1990 sets out twenty rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. Section 155(2)(b) of the Local Government Act 2002 requires the council to determine if the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. The council will fully assess these implications before it makes the amendments to the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw.

However, a preliminary assessment has identified the Bylaw may potentially have implications on Section 14: Freedom of Expression in that the bylaw prohibits anyone from advertising or applying graffiti to any part of the Trail. These restrictions are in place to prevent damage to the Trail and protect the community's interest in maintaining an open space. These restrictions are also to protect the health and safety of users from distracting advertising or graffiti. Overall, these restrictions have a minimal impact on the right of freedom of expression and are proportionate to the negative effects the restrictions are attempting to mitigate.

The Bylaw may also potentially have implications on Section 18: Freedom of Movement in that the Bylaw prohibits anyone to drive a motor vehicle on the Trail. These restrictions are in place to protect cyclists and pedestrians from harm as the trail is specifically designed for pedestrians and cyclists rather than vehicles.

The Bylaw's provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so to in order to protect the health and safety of other individuals.

The Bylaw may also potentially have implications on Section 21: Security Against Unreasonable Search or Seizure, whether of the person, property, or correspondence. However, the bylaw does not contain any new powers for search or seizure, the applicable powers (that are cross-referenced in the bylaw) are provided by statute. As such the bylaw does not raise any implications under section 21 of the Bill of Rights Act 1990.

Any limitations on the rights mentioned are likely to be reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. This is because the restrictions imposed are minimal, they provide benefits and protect the rights of the wider community and are proportional to the aims they are seeking to achieve. It is therefore assessed that the restrictions are justified in accordance with the New Zealand Bill of Rights Act 1990 and as such the bylaw is not currently considered to raise any Bill of Rights Act implications.

6 How to give your views on the proposal

The council encourages any person or organisation affected by, or having an interest in, the Pou Herenga Tai – Twin Coast Cycle Trail Bylaw to present their views on the proposal to the Council by making a submission.

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

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

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

- the council to acknowledge receipt of your submission
- to make an oral presentation – you will be contacted about when and where the meetings for this are taking place.

Privacy statement – Please be aware, any submissions that are made on the amended Pou Herenga Tai – Twin Coast Cycle Trail Bylaw become part of the public consultation process. As such, all submissions, any summaries of submissions, and any documents provided with your submission, are copied and made available to the Council's governing body as well as the public. Any personal information included with a submission such as your name is treated as part of the submission and will also be released publicly. Your submission and any personal information that you supply such as your name will not be treated as confidential unless you specifically request it in your submission.

6.1 Draft Pou Herenga Tai – Twin Coast Cycle Trail Bylaw

The draft bylaw is as follows:

1 Title

The Bylaw shall be known as the Far North District Council Pou Herenga Tai - Twin Coast Cycle Trail.

2 Meaning of Trail

For the purposes of this Bylaw, the **Trail** means the path formed by or on behalf of the Far North District Council for the intention of providing a largely off-road route from Opuā to Horeke for **cyclists, pedestrians, riders of mobility devices** or the riders of **wheeled recreational devices** to use. The **Trail** is formed over private land, Crown land, and **council** controlled land and roads.

The **Trail** is identified in Schedule 1 and includes:

- (1) The land within 2.5 metres of either side of the centre line of the formed path;
- (2) Every bridge, culvert, and ford within the trail;
- (3) Each segment of a **road** identified in the trail maps (Schedule 1).

3 Commencement

This bylaw shall come into force on 1 October 2016.

4 Application

This bylaw applies to the **Trail** located within the district of the Far North District Council.

5 Purpose

The purpose of this Bylaw is to protect the **public** and **users** of the **Trail** from nuisance, promote public safety, minimise offensive behaviour and protect public infrastructure from misuse or damage.

4

6 Interpretation

- (1) Related information below is for information purposes, does not form part of this bylaw, and may be inserted, amended, or removed without any formality.
- (2) The Interpretation Act 1999 applies to this bylaw.
- (3) In this bylaw, unless the context otherwise requires: -
 - approval** means written approval granted by council and includes any conditions which the written approval is subject to.
 - authorised officer** means an officer appointed by council to consider and make decisions on applications made under this Bylaw.
 - council** means the Far North District Council, or any person delegated or authorised to act on its behalf.
 - cycle** has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.
 - cyclist** is a person who rides a cycle.
 - freedom camp** has the same means as section 5 of the Freedom Camping Act.
 - mobility device** has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.
 - moped** has the same meaning as in Section 2(1) of the Land Transport Act 1998.
 - motorcycle** has the same meaning as in Section 2(1) of the Land Transport Act 1998.
 - motor vehicle** has the same meaning as in Section 2(1) of the Land Transport Act 1998 but does not include a Mobility Device or a Wheeled Recreational Device.

Related information

As at 19.11.2021 the definition is:

- (a) means a vehicle drawn or propelled by mechanical power; and
- (b) includes a trailer; but
- (c) does not include -
 - (i) a vehicle running on rails; or
 - (ii) [Repealed]
 - (iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
 - (iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
 - (v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
 - (vi) a pedestrian-controlled machine; or
 - (vii) a vehicle that the Agency has declared under [section 168A](#) is not a motor vehicle; or
 - (viii) a mobility device

offence means an offence against this Bylaw and includes any failure to comply with any part of this bylaw.

pedestrian has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

road has the same meaning as in section 315(1) of the Local Government Act 1974.

stock includes any horse, cattle, sheep, goat, pigs, deer, alpaca or llama or other hoofed animals.

user means a person that uses the Trail and includes a **Pedestrian**, a **Cyclist**, the rider of a Mobility Device or the rider of a Wheeled Recreational Device.

vehicle has the same meaning as in section 2 of the Land Transport Act 1988.

Related information

As at 19.11.2021 the definition is:

- (a) means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but does not include -

| | |
|--------|-------------------------------------------------------------------------------------------|
| (i) | a perambulator or pushchair: |
| (ii) | a shopping or sporting trundler not propelled by mechanical power: |
| (iii) | a wheelbarrow or hand-trolley: |
| (iv) | [Repealed] |
| (v) | a pedestrian-controlled lawnmower: |
| (vi) | a pedestrian-controlled agricultural machine not propelled by mechanical power: |
| (vii) | an article of furniture: |
| (viii) | a wheelchair not propelled by mechanical power: |
| (ix) | any other contrivance specified by the rules not to be a vehicle for the purposes of this |
| | Definition: |
| (x) | any rail vehicle. |

vehicle crossing means the area of driveway, whether temporary or permanent, between a road and a private property boundary, intended for use by motor vehicles accessing the property.

wheeled recreational device has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

Related information

As at 19.11.2021 the definition is:

- (a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

7 Use of the Trail

User

- (1) The **trail** may be only used by **cyclists**, **pedestrians**, riders of **mobility devices** and **wheeled recreational devices** (includes scooters, hoverboards, e – scooters).

Vehicle

- (2) No person shall drive a **motor vehicle**, a **motorcycle** or **moped** on the Trail except -
 - (a) to cross over the **Trail** when entering, or exiting a **vehicle crossing**; or
 - (b) when the **Trail** is formed on or over a **road**; or
 - (c) when they have **approval** from the **council**.

Events

- (3) No person may use the **Trail** for an organised event without the written **approval** of the **council**.

Related information

Applications for events can be found at [FNDC Event Applications](#)

- (4) A **User** must at all times keep to the left side of the formed path on the **Trail** so that oncoming or following **Users** can pass on their right.
- (5) No person shall obstruct the entrances or exits to the **Trail** or unduly impede the passage of a **User** along the Trail.
- (6) At any time when there is not sufficient daylight to render clearly visible a cyclist at a distance of 100 metres, a **cyclist** must use a steady or flashing forward-facing white or yellow light and a steady or flashing rear-facing red light which are sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 metres.

- (7) All **Cyclists** and riders of **Mobility Devices** when within any unlit tunnels on the **Trail** must use the lights described in clause 7 (6) at any time of the day or night.

Horses

- (8) No person shall ride, lead or take any horse or horse and cart on the **Trail** except:
- (a) to cross over the **Trail** when entering, or exiting a **vehicle crossing**; or
 - (b) when the **Trail** is formed on or over a road; or
 - (c) when **approved** by the **council**.

Related information

The Land Transport (Road User) Rule 2004 includes other requirements that apply to leading or riding animals on roads and must be complied with on the roads where animals are permitted under this bylaw. For example, clause 11.14(4) prohibits a person from riding an animal on a footpath.

Stock

- (9) If **Stock** are on the **Trail**, they have right of way. **Stock** are only permitted on the **Trail** under the following conditions:
- (a) to cross over the **Trail** when entering, or exiting a **vehicle crossing**; or
 - (b) when the **Trail** is formed on or over a **road**; or
 - (c) when **approval** has been given by the **council**; or
 - (d) as set out in an access agreement, or agreement of licence, lease or
 - (e) easement between adjacent private landowners and **council**.
- (10) No **User** shall wilfully leave open any gate or make a gap in a fence for the purpose of permitting or causing any **Stock** to stray or wander on to the **Trail** or otherwise wilfully cause any **Stock** to stray or wander onto the **Trail**.

Dogs

- (11) No person shall bring any dog on to the **Trail** or allow any dog in their custody or under their control to remain on the **Trail**, unless the dog is on a leash or is within an area specified by the council's Dog Management Policy as an area where dogs are permitted off the leash, or as a dog exercise area.

Related information

See council Dog Management Bylaw
[Bylaws Far North District Council \(fndc.govt.nz\)](https://www.fndc.govt.nz/bylaws)

- (12) No **User** shall place or leave on the **Trail** any object, materials or thing that may obstruct or in any way interfere with the passage of **Users** along the **Trail**, unless **approval** has been given by the **Council** and then only in accordance with such conditions imposed under that **approval**.
- (13) No **User** shall do or cause or permit to be done any act whatsoever by which any damage is caused to the **Trail**. Such damage includes:
- (a) interfering with, harming or killing any wildlife natural features, plants, trees or shrubs or removing any soils, sand or naturally occurring materials on or near the **Trail**; or
 - (b) interfering with any ornament, statue, building, structure, fence, gate or facilities on the **Trail**; or
 - (c) polluting, defacing, disfiguring, or applying graffiti, posters or advertising signs or signs of any description on or to any part of the **Trail**.
- (14) No **User** shall wilfully or negligently cause or allow any oil, or any liquid likely to create a danger to **Users**, to escape onto any part of the **Trail** including any part having a sealed or paved surface.
- (15) No **User** shall **Freedom camp** on the **Trail**. No user may:
- (a) erect a tent, gazebo or similar device on the **Trail**; or

- (b) camp overnight in a **motor vehicle** on the **Trail**.

Related information

Depending on the location, nature or extent, a breach of this clause could result in:

- (a) A parking infringement fine of \$60 for inconsiderate parking under Schedule 2 Part 1 2(e) of the Land Transport Act 1962; or
- (b) An infringement fine under the Reserves Act 1977; or
- (c) An injunction under section 162 of the Local Government Act; or
- (d) An infringement fine under the Conservation Act 1987; or
- (e) A fine not exceeding \$20,000 under section 242 of the Local Government Act 2002; or
- (f) An infringement fine under the Freedom Camping Act 2011.

No fires

- (16) No **User** may light a fire on the **Trail** or on land adjacent to the **Trail**.

Related information

Depending on the location, nature or extent, a breach of this clause could result in:

- (a) An infringement fine under the Reserves Act 1977; or
- (b) An infringement fine under the Conservation Act 1987; or
- (c) A fine not exceeding \$20,000 under section 242 of the Local Government Act 2002.

- (17) The **council** may under section 163 of the Local Government Act 2002, remove or alter a work or thing that is or has been constructed in breach of this bylaw, and may recover the costs of the removal or alteration from the person who committed the breach.

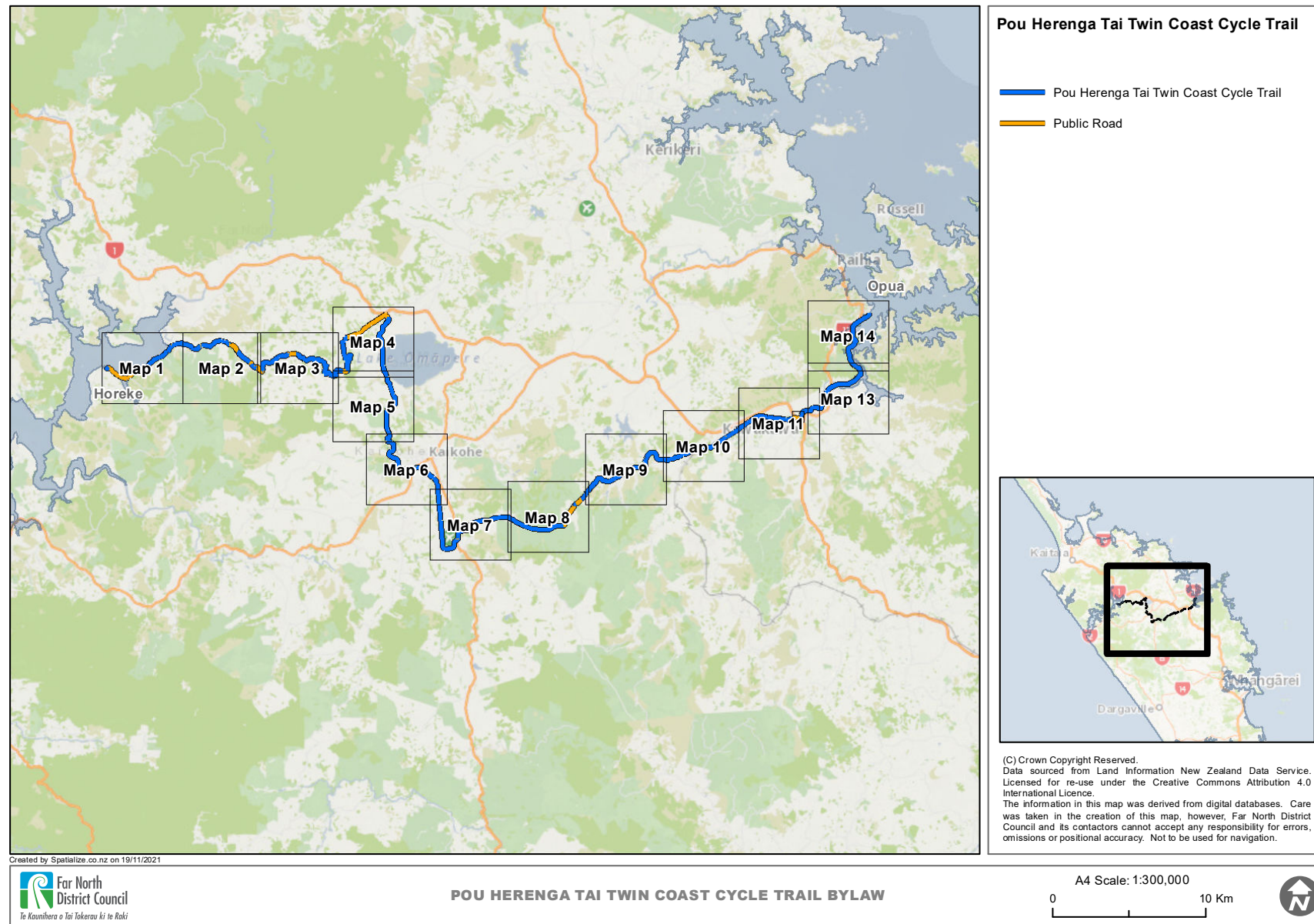
8 Access to and over the Trail

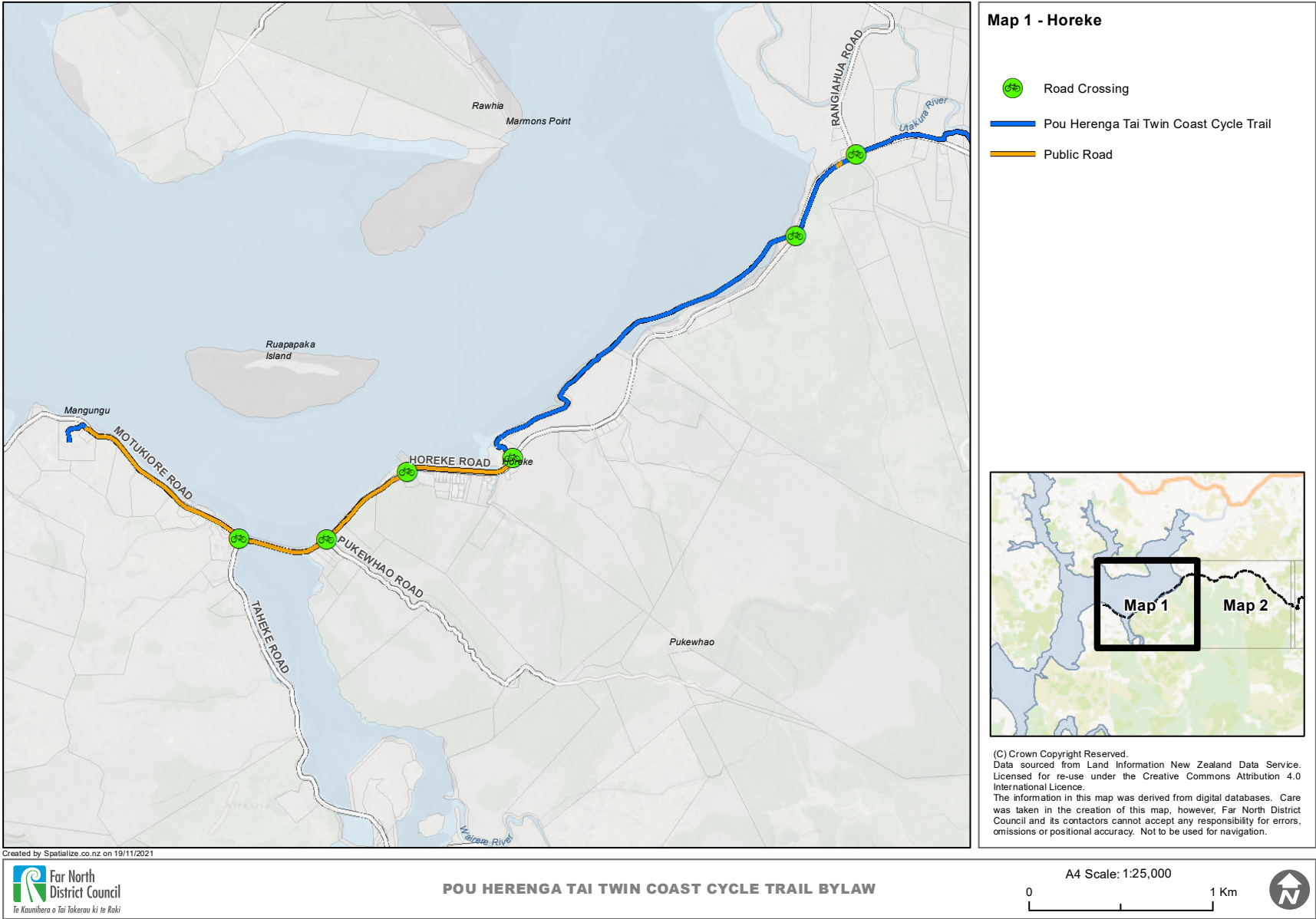
- (1) Except with the **approval** of the **council** no person shall establish a new **Vehicle Crossing** or path that:
- (a) Crosses the **Trail**, or provides access to and from the **Trail**; and
 - (b) Is used or available for use by **Cyclists**, **Pedestrians**, riders of **Mobility Devices**, riders of **Wheeled Recreational Devices** or drivers of **Motor Vehicles**.
- (2) In granting **approval** under clause 8 (1) of this Bylaw, the **council** may impose such conditions as it thinks fit for the protection and safety of **Users**.

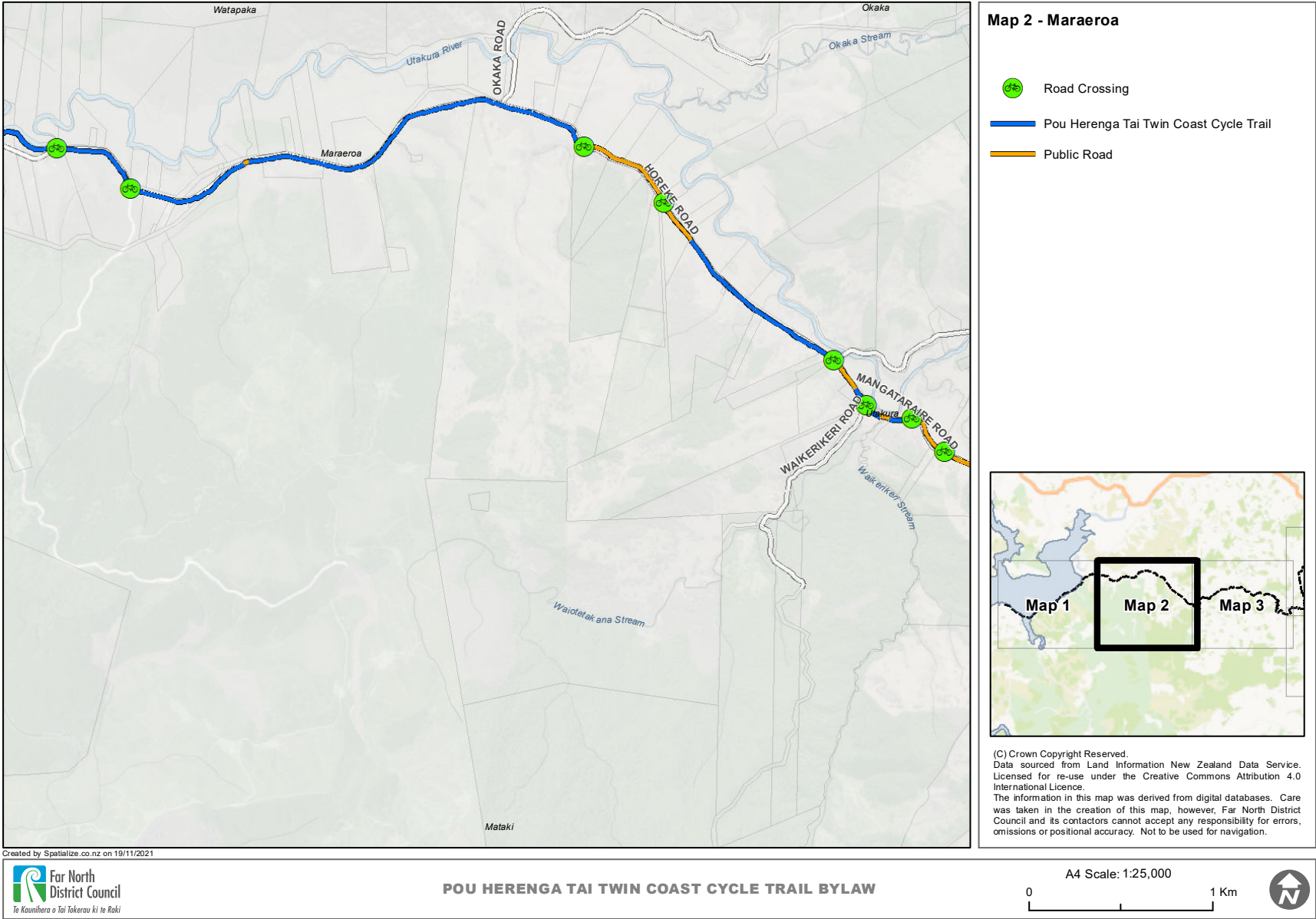
9 Offences

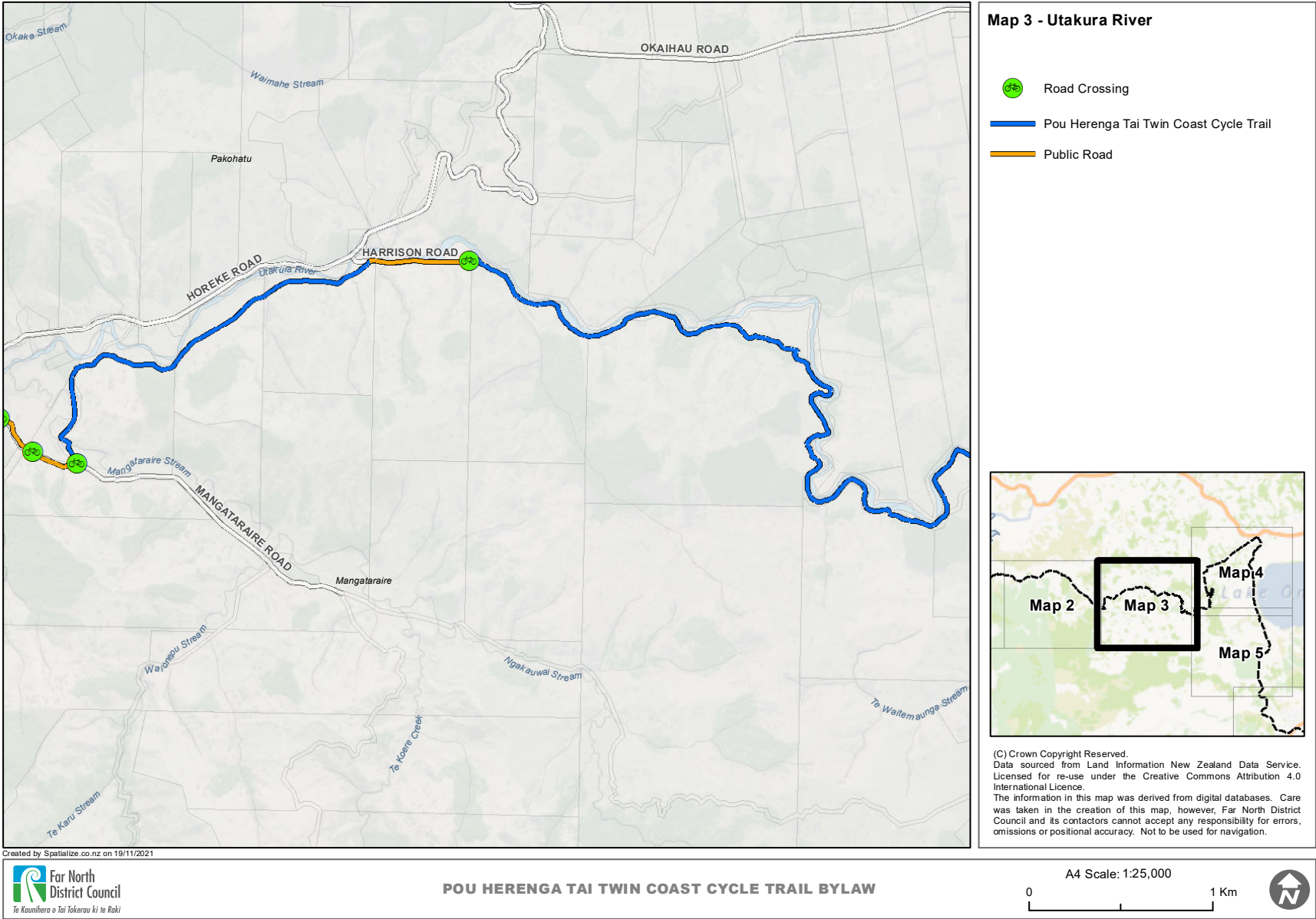
- (1) Every person who fails to comply with the requirements of this Bylaw commits an offence under the Local Government Act 2002 and is liable to the penalties set out in that Act.
- (2) Every person who fails to comply with the Freedom camping restrictions of this Bylaw commits an offence under the Freedom Camping Act 2011 and is liable to the penalties set out in that Act.
- (3) This bylaw does not limit the council's powers under other legislation such as the Land Transport Act 1998, the Local Government Act 2002, the Reserves Act 1977, the Dog Control Act 1996, the Conservation Act 1987 and the Litter Act 1977 to take actions to enforce the provisions of this bylaw.

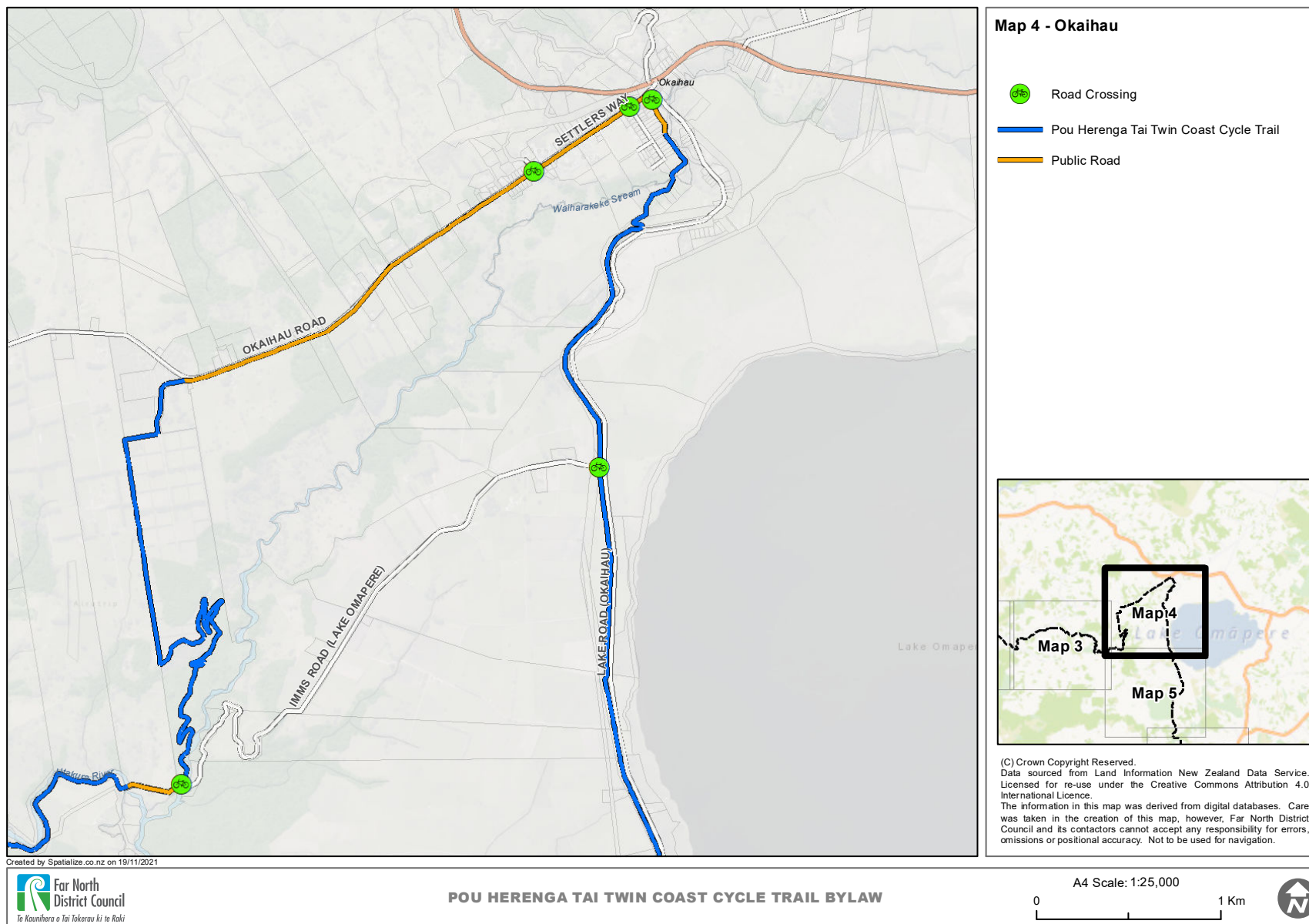
10 Schedule – Maps

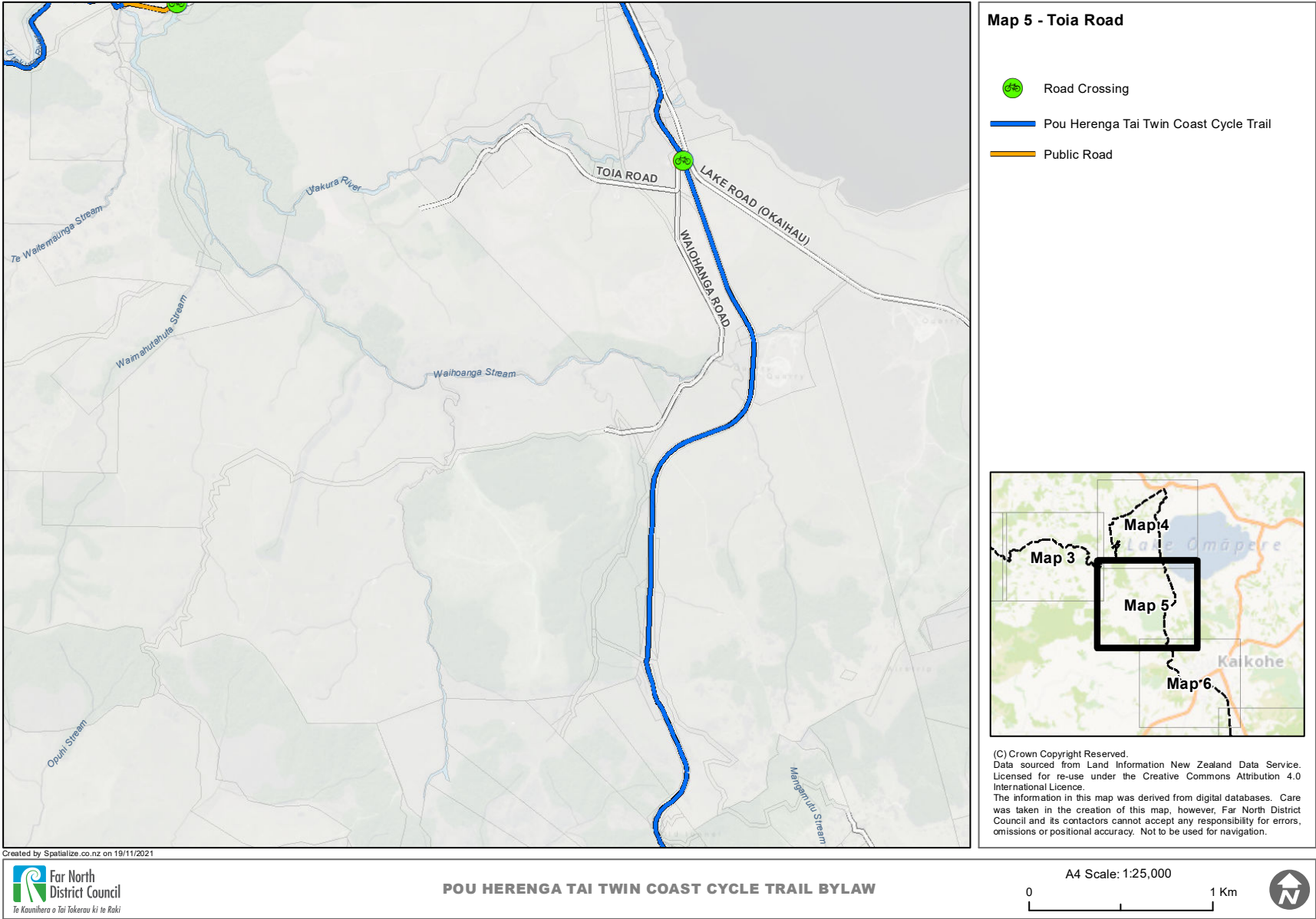


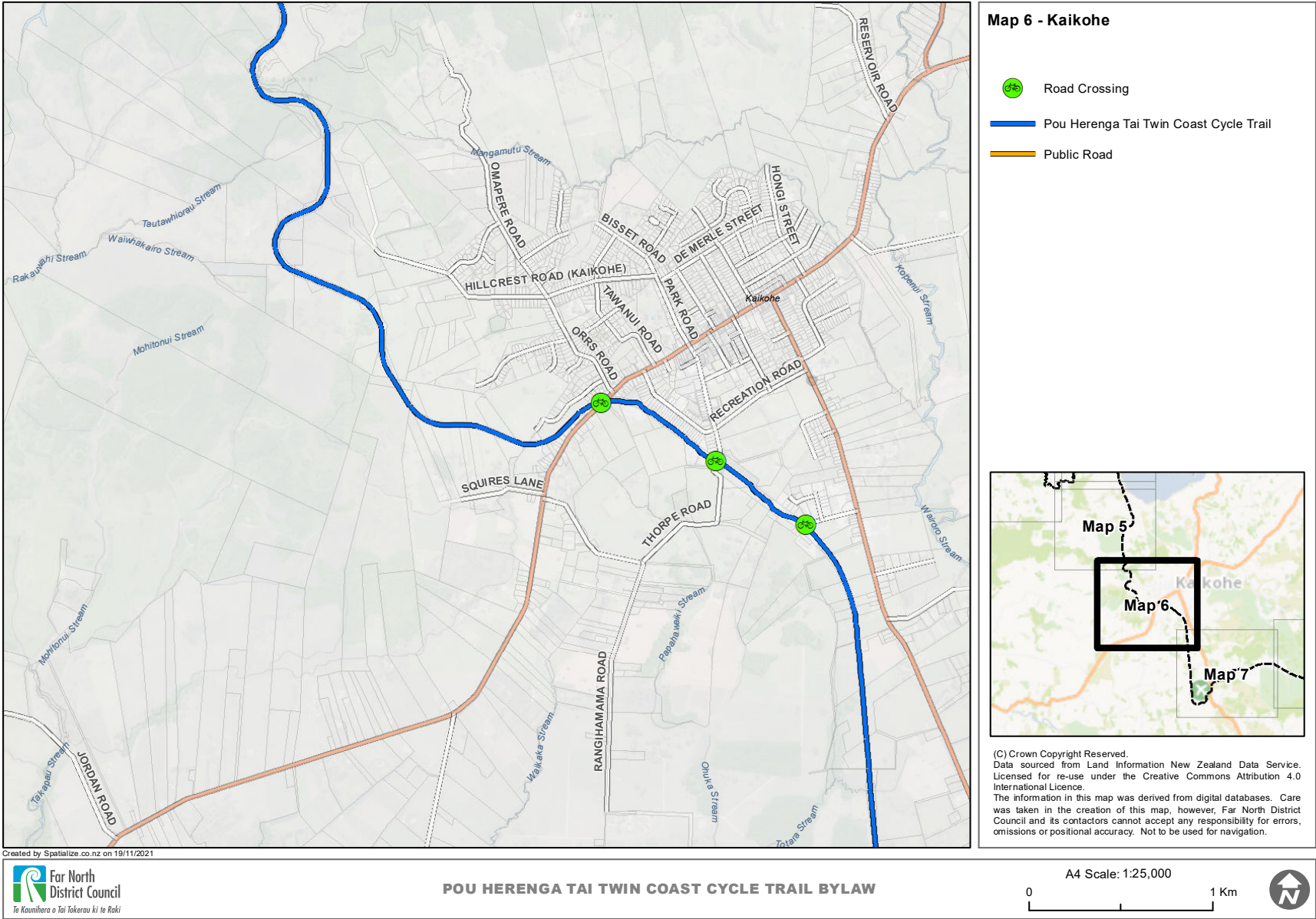


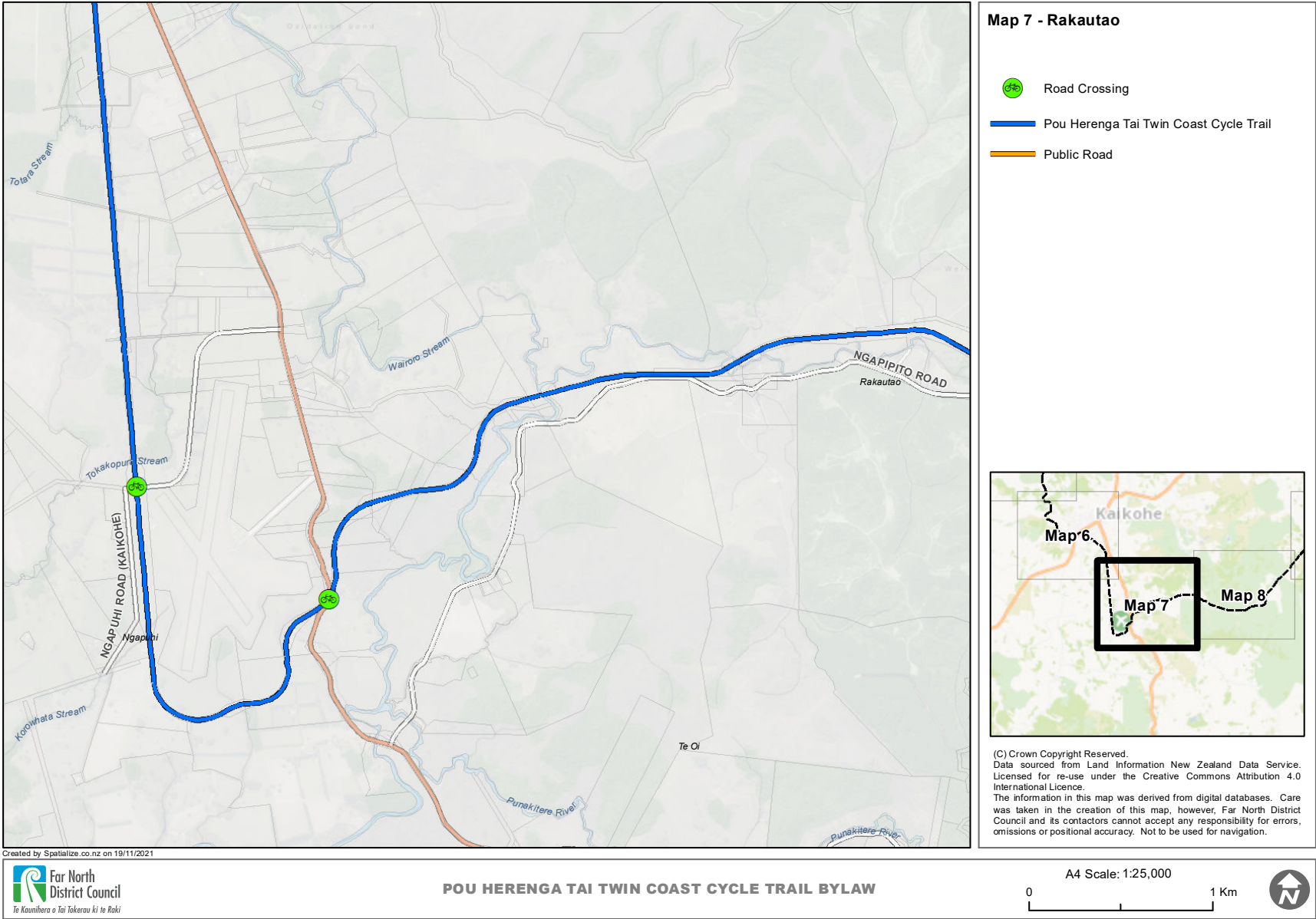


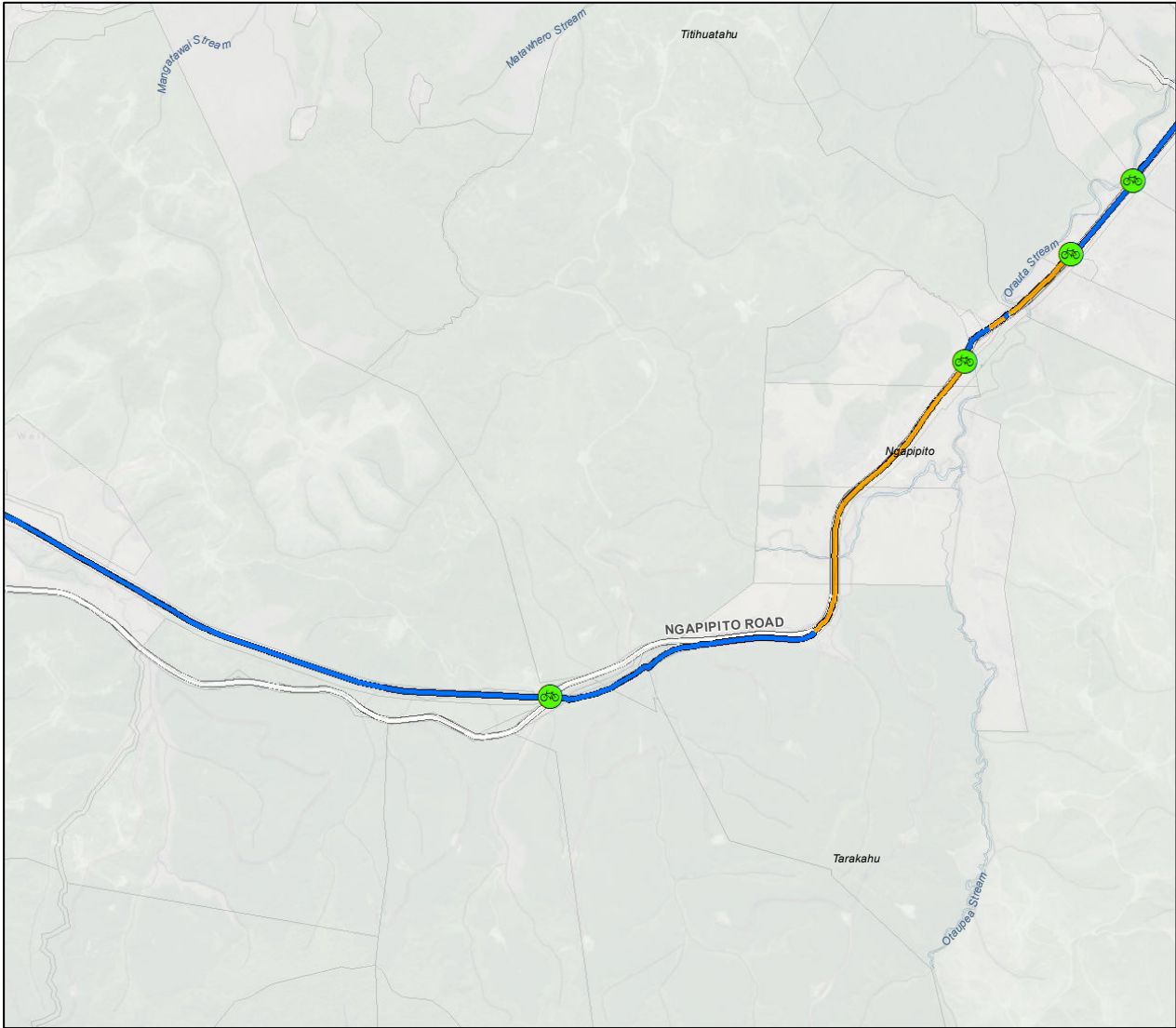








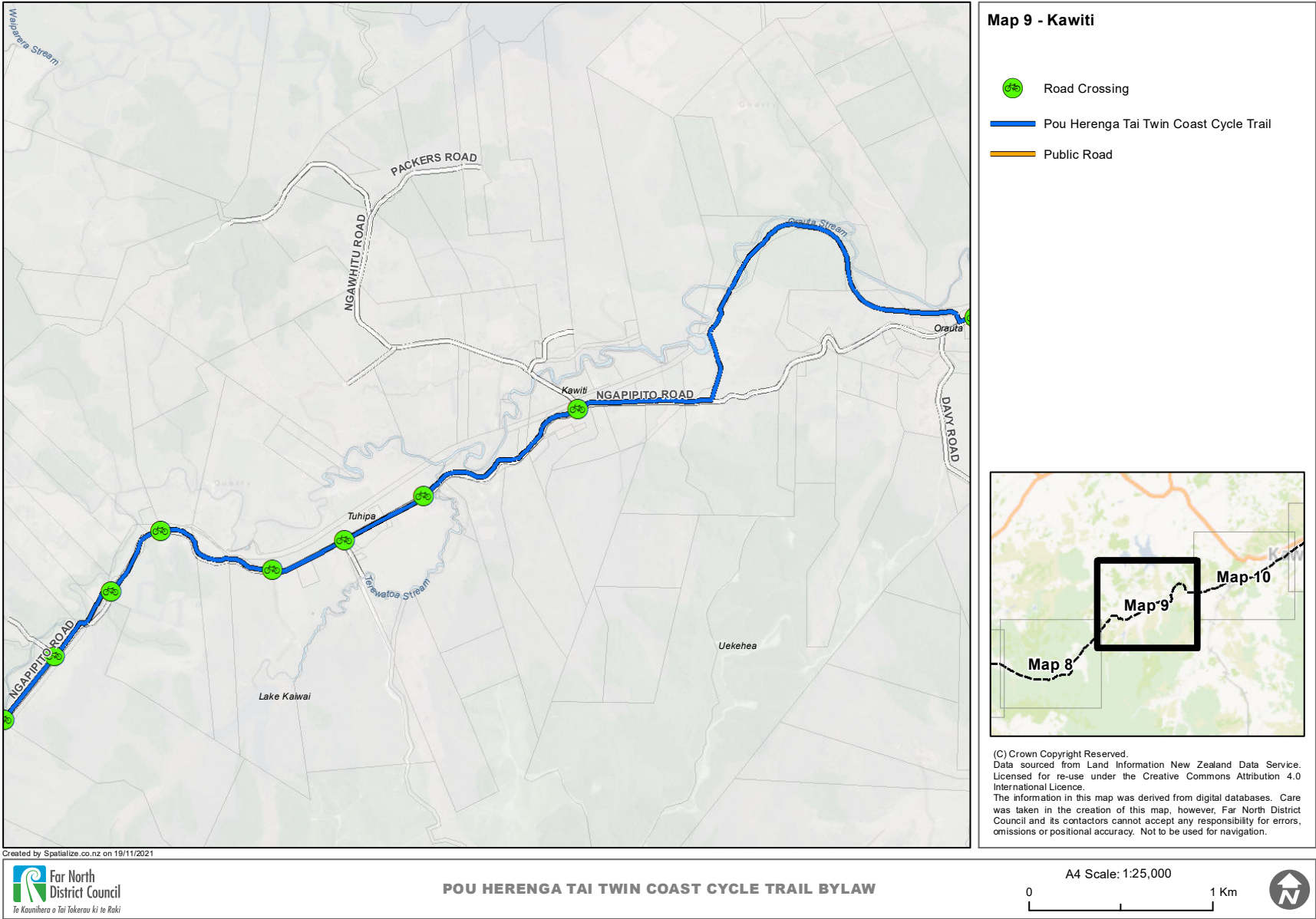


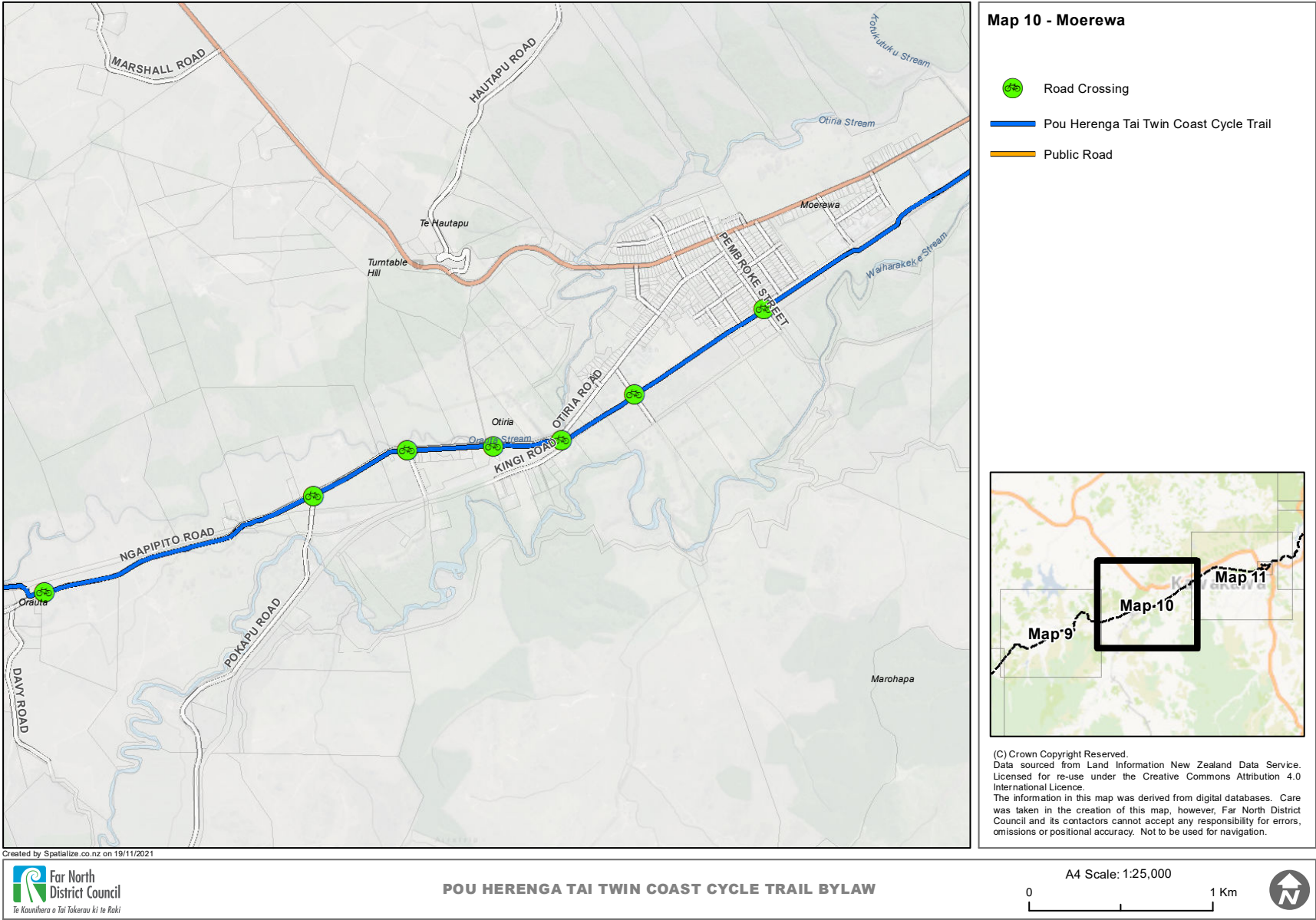


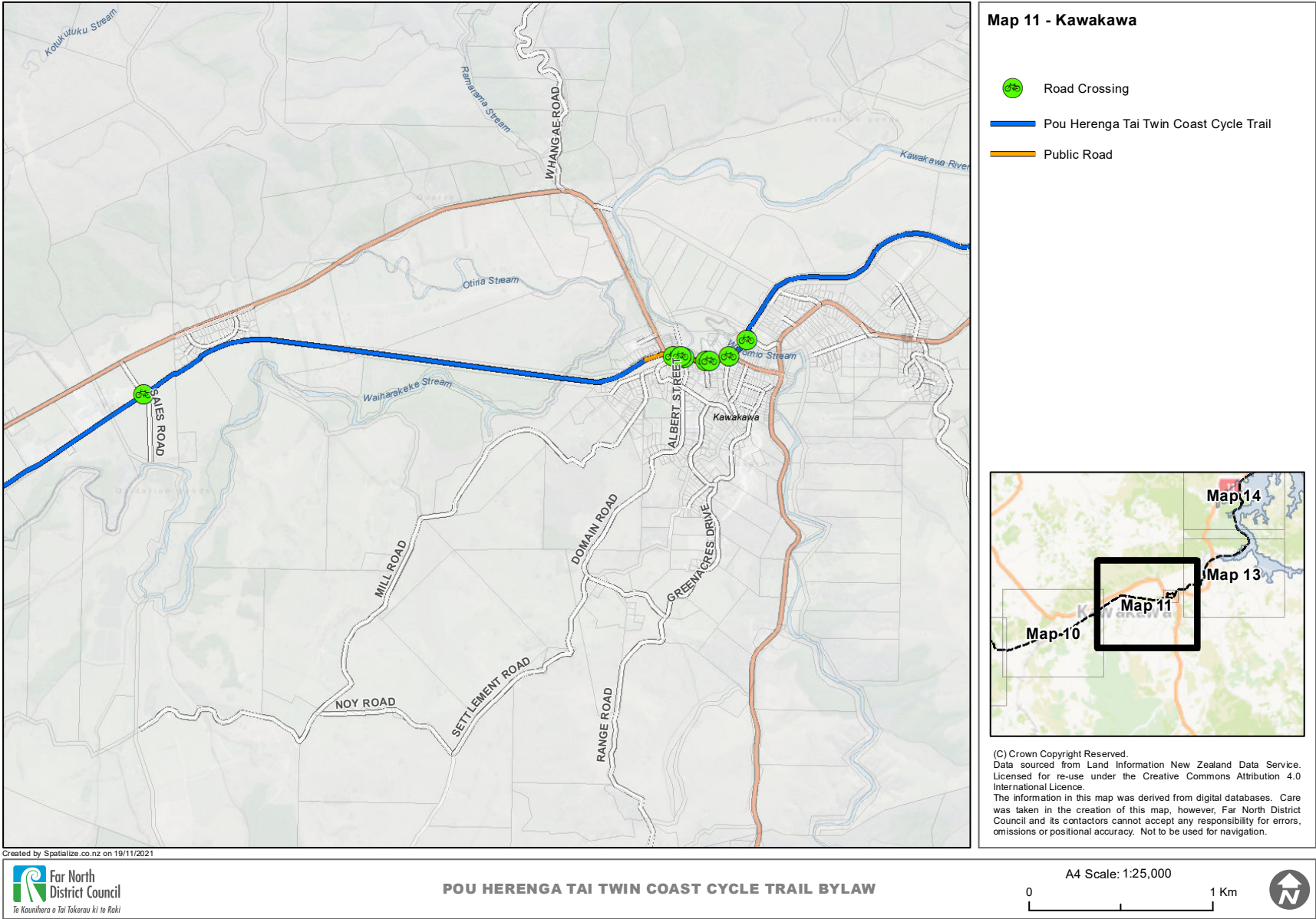
Map 8 - Ngapipito

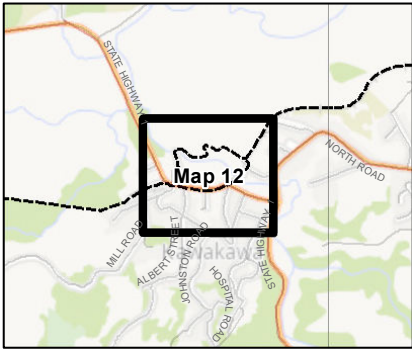
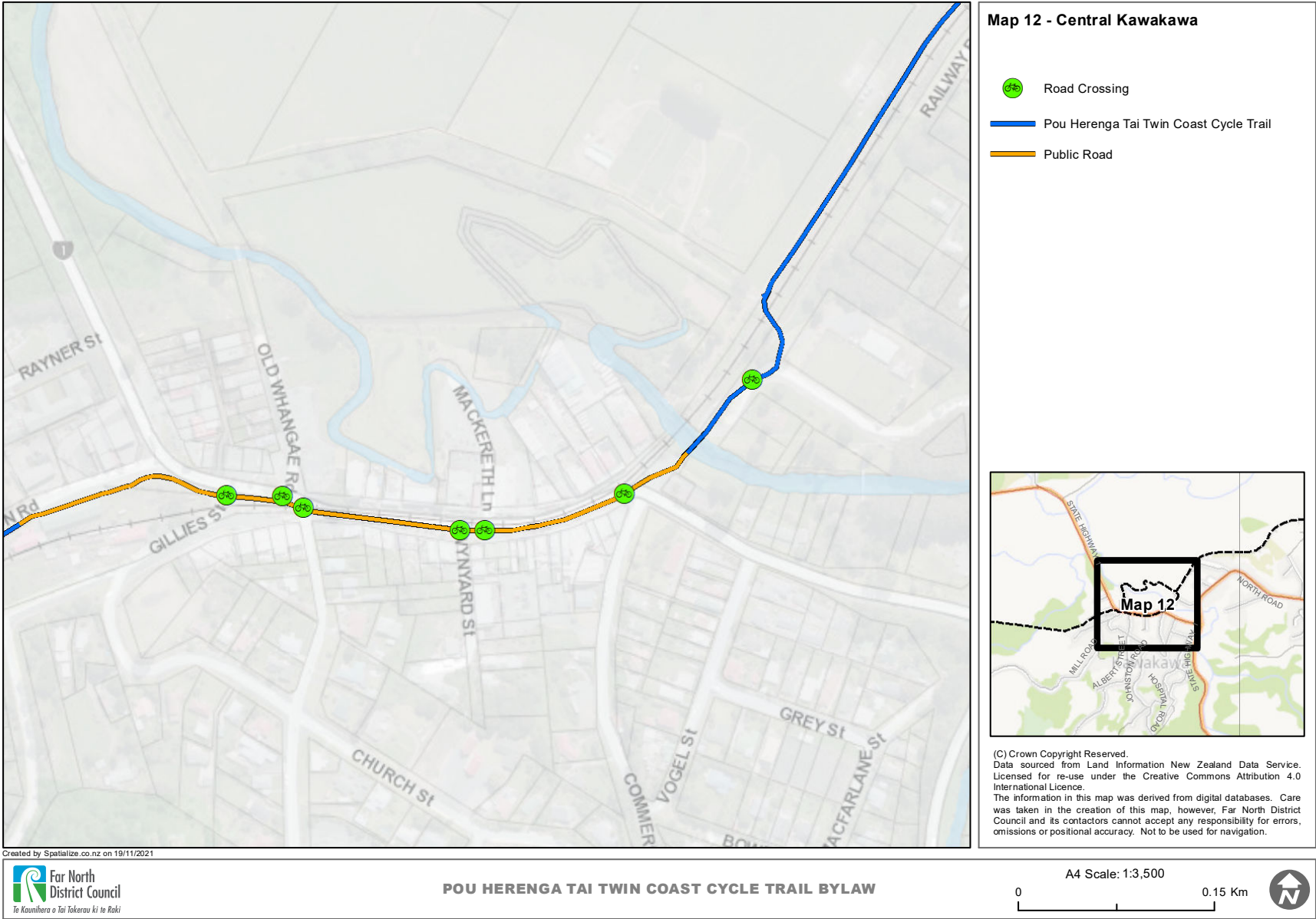
- Road Crossing
- Pou Herenga Tai Twin Coast Cycle Trail
- Public Road

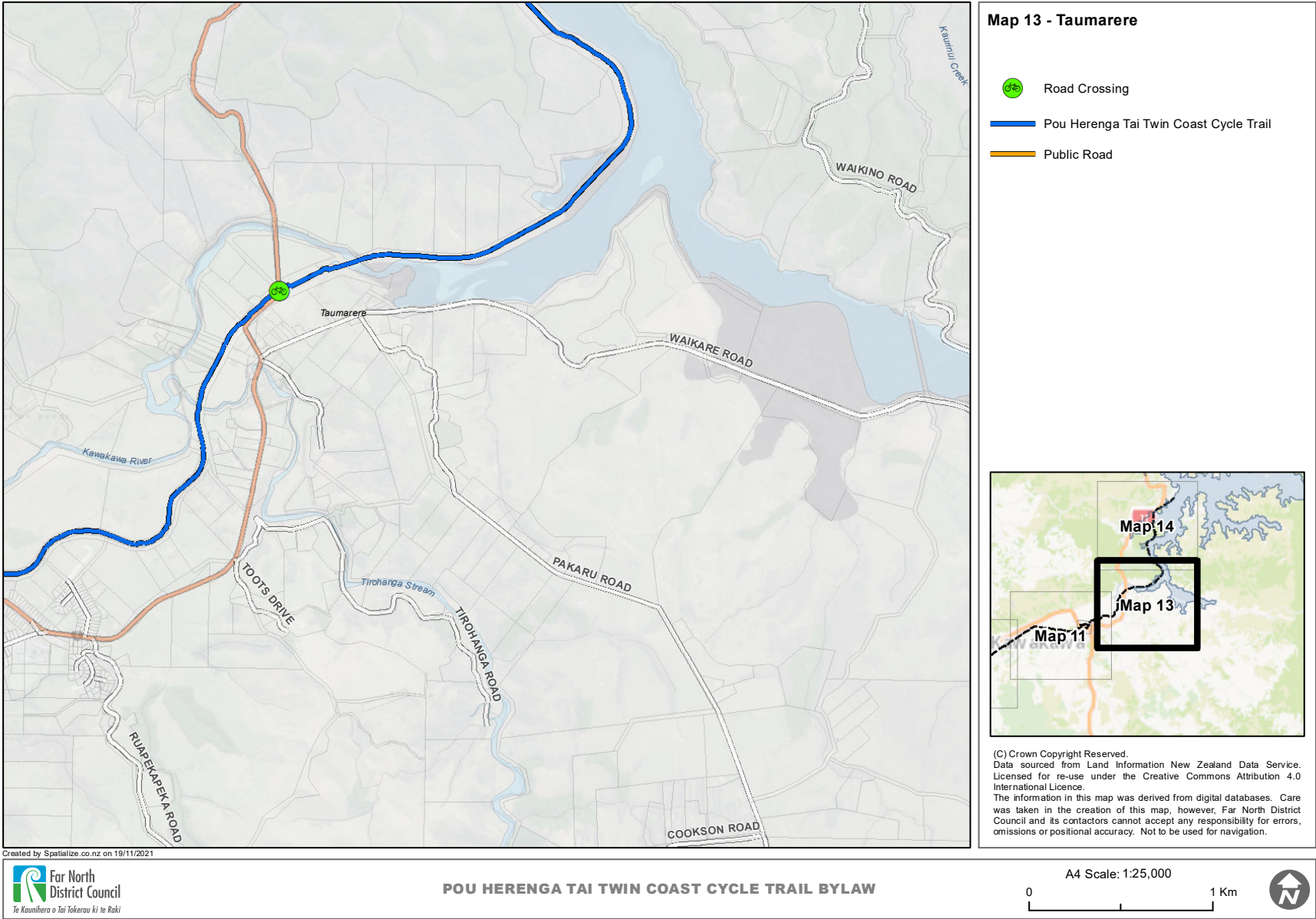
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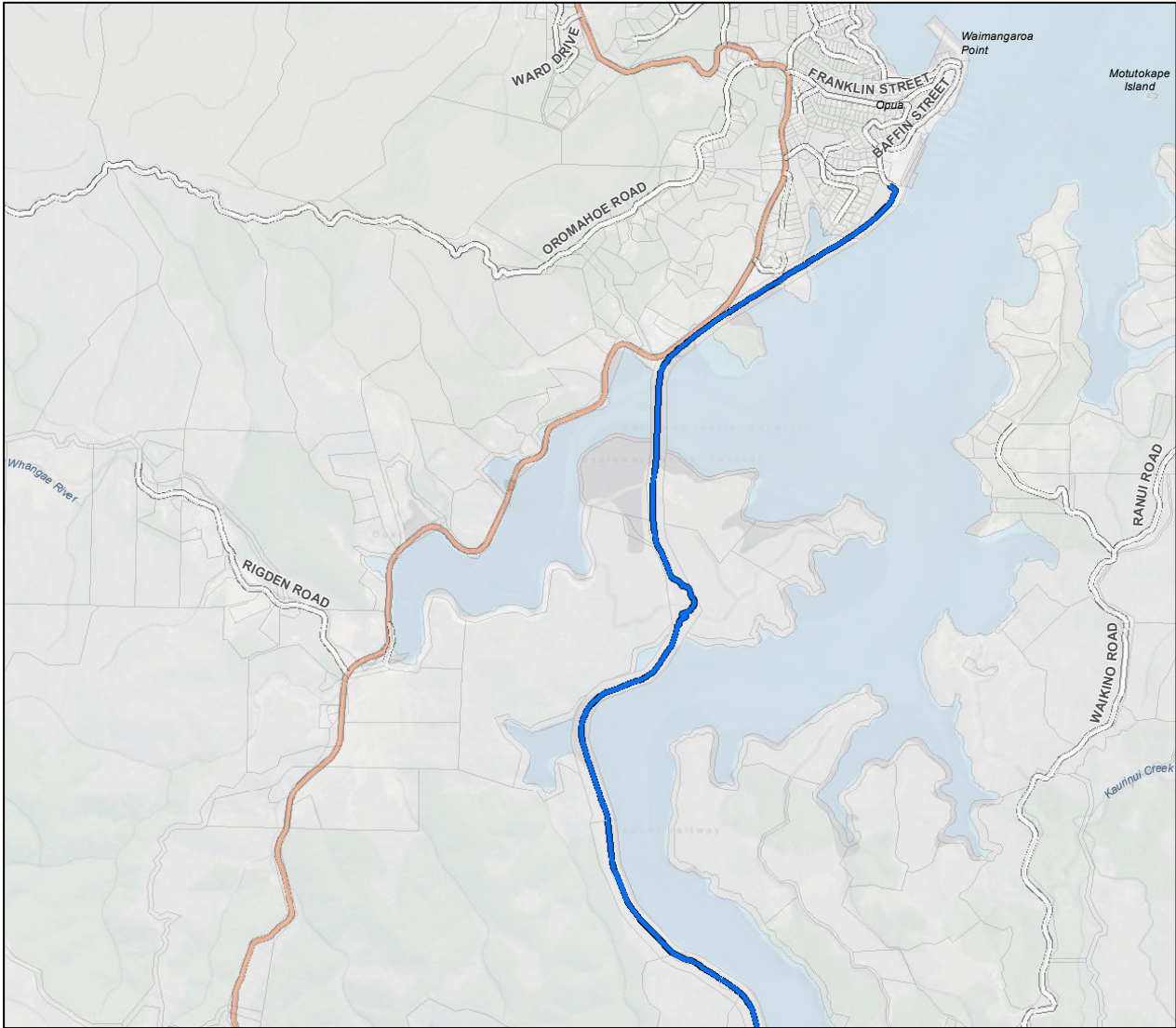












Map 14 - Opua

— Pou Herenga Tai Twin Coast Cycle Trail

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 The information in this map was derived from digital databases. Care was taken in the creation of this map, however, Far North District Council and its contactors cannot accept any responsibility for errors, omissions or positional accuracy. Not to be used for navigation.

**FAR NORTH DISTRICT COUNCIL****POU HERENGA TAI - TWIN COAST CYCLE TRAIL BYLAW 2016**

~~This bylaw is made pursuant Pursuant to Section 145 of the Local Government Act 2002 and section 11 of the Freedom Camping Act 2011. every other enabling power and authority.~~

To come into force: 01 October 2016

For the purpose of: The purpose of this Bylaw is to regulate the use of the Pou Herenga Tai - Twin Coast Cycle Trail, to protect, promote and maintain the health and safety of cycle trail users, to protect from nuisance those using the Trail and to minimise damage to the Trail.

Reviewed on: 12 August 2021

To be reviewed by: ~~01 October 2021~~ 12 August 2031

I N D E X**Clause**

| | |
|-----------------|-------------------------------------|
| 01 | Title |
| 02 | Meaning of Trail |
| 03 | Commencement and Application |
| 04 | Purpose |
| 05 | Interpretation |
| 06 | Use of the Trail |
| 07 | Access To and Over the Trail |
| 08 | Offences |
| Schedule | Maps 1, 1A, 1B, 1C |

TITLE

1.1 The Bylaw shall be known as the Far North District Council Pou Herenga Tai - Twin Coast Cycle Trail.

2. MEANING OF TRAIL

~~2.1~~ For the purposes of this Bylaw, the Trail means the path formed by or on behalf of the Far North District Council ~~along the route delineated on the maps in Schedule 1 of this Bylaw, whether on private land, Crown land, Road, or land vested in or under the control of the Council, that is intended for the use of cyclists but which may also be used by Pedestrians, riders of Mobility Devices, riders of Wheeled Recreational Vehicles and includes:~~ for the intention of providing a largely off-road route from Opuia to Horeke for **cyclists, pedestrians, riders of mobility devices** or the riders of **wheeled recreational devices** to use. The Trail is formed over private land, Crown land, and Council controlled land and roads. The Trail is identified in Schedule 1 and includes:

~~2.2 (a) All~~ the land within 2.5 metres on either side of the centre-line of the formed path ~~or such appropriate lesser distance where the path is less than 5 metres wide; and~~

~~2.3 (b)~~ Every bridge, culvert and ford within the Trail;

~~2.4 (c) But subject to existing laws where the path is within a Roadway. Each segment of a road identified in the trail maps (Schedule 1).~~

3. COMMENCEMENT ~~and APPLICATION~~

This Bylaw shall come into force on 01 October 2016 ~~and applies to all parts of the Trail.~~

3x APPLICATION

This bylaw applies to the Trail located within the district of the Far North District Council

4. PURPOSE

4.1 The purpose of this Bylaw is to ~~protect the public and users of the Trail from nuisance, promote public safety, minimise offensive behaviour and protect public infrastructure from misuse or damage.~~

~~(a) Protect, promote and maintain the safety of people using the Trail or use working and living in proximity to the Trail; and~~

- ~~(b) Protect from nuisance those using the Trail or working and living in proximity to the Trail; and~~
- ~~(c) Minimise damage to the Trail; and~~
- ~~(d) Protect and maintain the natural and wildlife values and habitats in the vicinity of the Trail.~~

5. INTERPRETATION

- (1) Related information below is for information purposes, does not form part of this bylaw, and may be inserted, amended, or removed without any formality.
- (2) The Interpretation Act 1999 applies to this bylaw.
- (3) In this bylaw, unless the context otherwise requires:

~~In this Bylaw, unless inconsistent with the context:~~

Approval means written approval granted by Council and includes any conditions which the written approval is subject to.

“Authorised officer” means an officer appointed by Council to consider and make decisions on applications made under this Bylaw.

“Council” means the Far North District Council, ~~or any person delegated or authorised to act on its behalf and any warranted officer delegated to carry out the duties of administration and enforcement of the General Bylaws of the Council.~~

“Cycle” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

- ~~(a) means a Vehicle that has at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider; and~~
- ~~(b) includes a power-assisted cycle; and~~
- ~~(c) includes a unicycle.~~

“Cyclist” is a person who rides a Cycle.

~~**“Driveway”** includes, but is not limited to, a place used as a vehicle entrance to or exit from land fronting a Road.~~

Freedom camp has the same means as section 5 of the Freedom Camping Act.

“Mobility Device” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004. means a Vehicle that:

- ~~(a) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and~~
- ~~(b) is powered solely by a motor that has a maximum power output not exceeding 1,500 W.~~

“Moped” has the same meaning as in Section 2(1) of the Land

Transport Act 1998

“Motorcycle” has the same meaning as in Section 2(1) of the Land Transport Act 1998

“Motor Vehicle” has the same meaning as in Section 2(1) of the Land Transport Act 1998, but does not include a Mobility Device or a Wheeled Recreational Device.

Related information

As at 19.11.2021 the definition is:

(a) means a vehicle drawn or propelled by mechanical power; and

(b) includes a trailer; but

(c) does not include—

(i) a vehicle running on rails; or

(ii) [Repealed]

(iii) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or

(iv) a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or

(v) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or

(vi) a pedestrian-controlled machine; or

(vii) a vehicle that the Agency has declared under section 168A is not a motor vehicle; or

(viii) a mobility device

“Offence” means an offence against this Bylaw and includes any failure to comply with any part of this bylaw.

“Pedestrian” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

~~means a person on foot and includes a person in a wheelchair not propelled by mechanical power and a person in or on a contrivance equipped with wheels or revolving runners that is not a Vehicle.~~

“Road” has the same meaning as in section 315(1) of the Local Government Act 1974.

~~**“Roadway”** means that portion of the Road used for the time being for vehicular traffic in general.~~

“Stock” includes any horse, cattle, sheep, goat, pigs, deer, alpaca or llama or other hoofed animals.

~~“Trail” means the Pou Herenga Tai – Twin Coast Cycle Trail and has the same meaning given in clause 2.1 of this Bylaw.~~

“User” means a person that uses the Trail and includes a **Pedestrian**, a **Cyclist**, the rider of a Mobility Device or the rider of a Wheeled Recreational Device.

“Vehicle” has the same meaning as in section 2(1) of the Land Transport Act 1988.

Related information

As at 19.11.2021 the definition is:

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

Vehicle crossing means the area of driveway, whether temporary or permanent, between a road and a private property boundary, intended for use by motor vehicles accessing the property.

“Wheeled recreational device” has the same meaning as section 2 of the Land Transport (Road User) Rule 2004.

- ~~(a) means a Vehicle that is a wheeled conveyance (other than a Cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and~~
- ~~(b) includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.~~

Related information

As at 19.11.2021 the definition is:

- (a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

5.1 ~~In this Bylaw words in the singular include the plural and words in the plural include the singular.~~

6. USE OF THE TRAIL

User

6.1 The Trail may be only used ~~at the same time~~ by Cyclists, Pedestrians, riders of Mobility Devices and ~~riders of~~ Wheeled Recreational Devices (includes scooters, hoverboards, e-scooters).

Vehicle

6.2 ~~Subject to clause 6.3, no~~ No person shall drive a Motor Vehicle, a motorcycle or moped on ~~or along~~ the Trail except:

- (a) ~~to cross over the Trail when entering, or exiting a vehicle crossing; or~~
- (b) ~~when the Trail is formed on or over a road; or~~
- (c) ~~when they have approval from the Council.~~
- (a) ~~to cross the Trail at an angle to the edge of the formed path on the Trail when on, entering, or exiting a Driveway; or~~
- (b) ~~to carry out construction, maintenance, repair or replacement work on or in the vicinity of the Trail, which has been authorised by the Council; or~~
- (c) ~~if that person is authorised by the Council to drive a Motor Vehicle on the Trail.~~

~~6.3 No person shall stop, stand or park a Motor Vehicle within 500mm of the edge of the formed path on the Trail without the prior written approval of the Council.~~

Events

6.4 No person shall use the Trail for an organised event, ~~including a race or time trial, without the prior written~~ consent approval of the Council. ~~This consent is required for any event, and an application shall be accompanied by health and safety plans, traffic management plans, details of marshals and any other appropriate information if requested by Council to support the application.~~

6.5 A User must at all times keep to the left side of the formed path on the Trail so that oncoming or following Users can pass on their right.

6.6 ~~No User~~ person shall obstruct the entrances or exits to the Trail or unduly impede the passage of a User along the Trail.

6.7 At any time when there is not sufficient daylight to render clearly visible a cyclist ~~or vehicle~~ at a distance of 100 metres, a cyclist must use a steady or flashing forward-facing white or yellow light and a steady or flashing rear-facing red light which are sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 metres.

6.8 All Cyclists and riders of Mobility Devices ~~must~~ when within any unlit Tunnels on the Trail use the lights described in clause ~~6.7~~ 7.6 at any time of the day or night.

Horses

6.9 No person shall ride, lead or take any horse or horse and cart on the Trail unless:

- (a) to cross over the Trail when entering, or exiting a vehicle crossing; or
- (b) when the Trail is formed on or over a road; or
- (c) when approved by the Council;

- ~~(a) it is for the purpose of crossing the Trail at right angles to the edge of the formed path on the Trail; or~~
- ~~(b) it is an organised and advertised horse trek; such horse treks to occur no more than four (4) times in each calendar year with the consent of Council;~~
- ~~(c) with the consent of Council.~~

Related information

The Land Transport (Road User) Rule 2004 includes other requirements that apply to leading or riding animals on roads and must be complied with on the roads where animals are permitted under this bylaw. For example, clause 11.14(4) prohibits a person from riding an animal on a footpath.

Stock

~~6.10 — Where the Trail is used as a Stock race, Stock shall~~ If Stock are on the Trail they have right of way. Stock are only permitted on the Trail under the following conditions:

- (a) to cross over the Trail when entering, or exiting a vehicle crossing; or
- (b) when the Trail is formed on or over a road; or
- (c) when Approval has been given by the Council; or
- (d) as set out in an access agreement, or agreement of licence, lease or easement between adjacent private landowners and Council.

~~6.11 — Subject to clause 6.11 Stock are only permitted on the Trail under the following conditions:~~

- ~~(a) to cross the Trail at right angles to the edge of the formed path or farm lane on the Trail for the purposes of entering or exiting private property via a Driveway; or~~
- ~~(b) if the Trail is within Road, in accordance with the Council's Control of the Use of Public Places Bylaw or any Bylaw made in substitution thereof; or~~
- ~~(c) with the prior written agreement of Council; or~~
- ~~(d) as set out in the access or agreement of licence, lease or easement between landowners and Council as duly notified.~~

6.13 No User shall wilfully leave open any gate or make a gap in a fence for the purpose of permitting or causing any Stock to stray or wander on to the Trail or otherwise wilfully cause any Stock to stray or wander onto the Trail.

Dogs

~~6.12 No owner of a dog, or person in possession of a dog, shall allow that dog to enter onto or remain on any part of the Trail, unless that dog is on leash and under control at all times.~~

~~No person shall bring any dog on to Trail, or allow any dog in their custody or under their control to remain on the Trail, unless the dog is on a leash or is within an area specified by the Council's Dog Management Policy as an area where dogs are permitted off the leash, or as a dog exercise area.~~

Related information

See Council Dog Management Bylaw

<https://www.fndc.govt.nz/Your-Council/Plans-Policies-Bylaws->

~~6.14 No User shall leave any litter or rubbish on the Trail.~~

~~6.15 No User shall be permitted to leave the Trail and enter private land adjoining the Trail, other than the owner(s) of such private land or any person(s) having the agreement of the landowner(s) to do so.~~

6.16 No User shall place or leave on the Trail any object, materials or thing that may obstruct or in any way interfere with the passage of Users along the trail, unless ~~authorised~~ Approval has been given by the Council and then only in accordance with such conditions imposed under that approval.

6.17.1 No User shall do or cause or permit to be done any act whatsoever by which any damage is caused to the Trail. Such damage includes:

- (a) interfering with, harming or killing any wildlife natural features, plants, trees or shrubs or removing any soils, sand or naturally occurring materials on or near the Trail; or
- (b) interfering with any ornament, statue, building, structure, fence, gate or facilities on the Trail; or
- (c) polluting, defacing, disfiguring, or applying graffiti, posters or advertising signs or sign of any description on or to any part of the Trail.

6.18 No User shall wilfully or negligently cause or allow any oil, or any liquid likely to create a danger to Users, to escape onto any part of the Trail including any part having a sealed or paved surface.

6.19 No User shall Freedom camp on the Trail. No user may:

~~(a) light any fire on the Trail; or~~

(b) erect a tent, gazebo or similar device on the Trail; or

(c) camp overnight in a motor vehicle on ~~or beside~~ the Trail.

Related information

Depending on the location, nature or extent, a breach of this clause could result in:

(a) A parking infringement fine of \$60 for inconsiderate parking under Schedule 2 Part

1 2(e) of the Land Transport Act 1962; or
(b) An infringement fine under the Reserves Act 1977; or
(c) An injunction under section 162 of the Local Government Act; or
(d) An infringement fine under the Conservation Act 1987; or
(e) A fine not exceeding \$20,000 under section 242 of the Local Government Act 2002;
Or
(f) An infringement fine under the Freedom Camping Act 2011.

No fires

xxx No User may light a fire on the Trail or on land adjacent to the Trail.

Related information

Depending on the location, nature or extent, a breach of this clause could result in:

(a) An infringement fine under the Reserves Act 1977; or
(b) An infringement fine under the Conservation Act 1987; or
(c) A fine not exceeding \$20,000 under section 242 of the Local Government Act 2002.

xxx The Council may under section 163 of the Local Government Act 2002, remove or alter a work or thing that is or has been constructed in breach of this bylaw, and may recover the costs of the removal or alteration from the person who committed the breach.

7. ACCESS TO AND OVER THE TRAIL

7.1 Except with the ~~consent~~ Approval of the Council no person shall establish a new ~~Driveway~~ Vehicle Crossing or path that:

- (a) Crosses the Trail, or provides access to and from the Trail; and
- (b) Is used or available for use by Cyclists, Pedestrians, riders of Mobility Devices, riders of Wheeled Recreational Devices or drivers of Motor Vehicles.

7.2 In granting ~~consent~~ Approval under clause 7.17 of this Bylaw, the Council may impose such conditions as it thinks fit for the protection and safety of Users.

~~8—~~ CONSENTS

~~8.1 This clause relates to the provisions set out in clauses 6 and 7 which provide for consent to be obtained for particular use of the Trail.~~

~~8.2 Every person requesting consent shall complete an application form and submit it to an authorised officer of the Council for consideration.~~

~~8.3 Council will decide whether any further supporting information or any~~

~~landowner's consent is required and inform the applicant accordingly.~~

~~8.4 Subject to clause 8.5, if landowner's consent is required Council will take steps to advise such landowner of the nature of the application and endeavour to procure a decision from such landowner.~~

~~8.5 Council may in its discretion decline the application without reference to any landowner but where it has decided that landowner's consent is required and such consent is declined, it must decline the application.~~

9 OFFENCES

~~9.1 Every person who breaches this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000.00 under section 242(2) of the Local Government Act 2002.~~

~~9.2 The Council may apply to the District Court under section 162 of the Local Government Act 2002 for an injunction restraining a person from committing a breach of this Bylaw.~~

8.1 Every person who fails to comply with the requirements of this Bylaw commits an offence under the Local Government Act 2002 and is liable to the penalties set out in that Act.

8.2 Every person who fails to comply with the Freedom camping restrictions of this Bylaw commits an offence under the Freedom Camping Act 2011 and is liable to the penalties set out in that Act.

8.3 This bylaw does not limit the Council's powers under other legislation such as the Land Transport Act 1998, the Local Government Act 2002, the Reserves Act 1977, the Dog Control Act 1996, the Conservation Act 1987 and the Litter Act 1977 to take actions to enforce the provisions of this bylaw.

6 INFORMATION REPORTS

6.1 FAR NORTH DISTRICT POPULATION PROJECTIONS

File Number: A3688855

Author: Kirsten Griffiths, Strategic Planner

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

TAKE PŪRONGO / PURPOSE OF THE REPORT

To inform the Strategy and Policy Committee about the population projections prepared for the Council by Infometrics.

WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- Infometrics prepared population projections on behalf of the Council in December 2021-May 2022.
- The outputs include projections of population, employment, households, and dwellings to 2073.
- The finalised report on the projections was received and supplied to elected members in May 2022. This report is attached.
- An interactive online dashboard has been prepared to make the data accessible.
- Detailed pivot tables have been supplied for technical staff to use the data underlying the report.
- Infometrics will provide updates to the projections over the next two years, including an update with the data from Census 2023 (indicative delivery March 2024).

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Far North District Population Projections.

TĀHUHU KŌRERO / BACKGROUND

Realistic and consistent population, household, and demand projections provide critical information for a variety of Council functions such as planning for demand for housing and business land, water infrastructure modelling, short, medium and long-term planning, and many decisions that contribute to managing future growth. Accessible web-based forecast data is also required to inform elected members and the public about the future population and service demands across the district.

From October 2015 until 2019, the Council had a contract with .id, a company based in Australia, for population projections and related demographic services. However, .id withdrew from offering the forecasting service in the New Zealand market. Infometrics was awarded a three-year contract to provide population projection services to the Council, which commenced in December 2021.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Senior Economist Nick Brunsdon of Infometrics has provided a set of projections for the Far North District, including population, employment, households, and dwellings to 2073. The report discussing the results and methodology was finalised in May 2022 and is attached. Staff have received pivot tables to use the data for technical purposes, and an interactive online dashboard has been prepared to make the data accessible for non-technical users.

Key findings from the report include the following:

- Employment growth is forecast to average 1.3% per annum for the 2020s, then flatten.
- GDP growth for the district is expected to be steady over time.

- Natural increase in the population of the Far North is projected to turn negative in the 2030s, when deaths will outnumber births, with any subsequent population growth due to net migration.
- The majority of projected population growth in the district is within the first ten years, with growth tapering off after that. The population is projected to peak at 83,200 in 2049.
- The average age of the population is rising rapidly, and faster than the New Zealand average.
- The proportion of the population identifying as Māori is expected to remain relatively steady over time.

Infometrics will provide updates to the projections over the next two years, including an update with the data from Census 2023 (indicative delivery March 2024).

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

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

ĀPITI HANGA / ATTACHMENTS

1. **Infometrics Far North projections report final - A3708888** [📄](#) 

Far North District population projections

For Far North District Council

May 2022



Authorship

This report has been prepared by Senior Economist Nick Brunsdon.

Email:

nick.brunsdon@infometrics.co.nz

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3 Far North District population projections – May 2022

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5 Far North District population projections – May 2022

Introduction

Infometrics has been commissioned by Far North District Council (FNDC) to produce projections of population, households, and dwellings to support a range of planning activities. This report explores these projections – explaining the methodology and historic trends and detailing the projections at a district and sub-district level. We have also conducted an analysis of seasonal population variation by analysing wastewater flow data.

Objective

Provision of accurate, long-term, sub-district projections for FNDC to inform a range of critical functions, such as planning for demand for housing and business land, water infrastructure demand modelling, the development of the 2024-2034 long-term plan, infrastructure investment decisions and managing future growth.

6 Far North District population projections – May 2022

Our approach

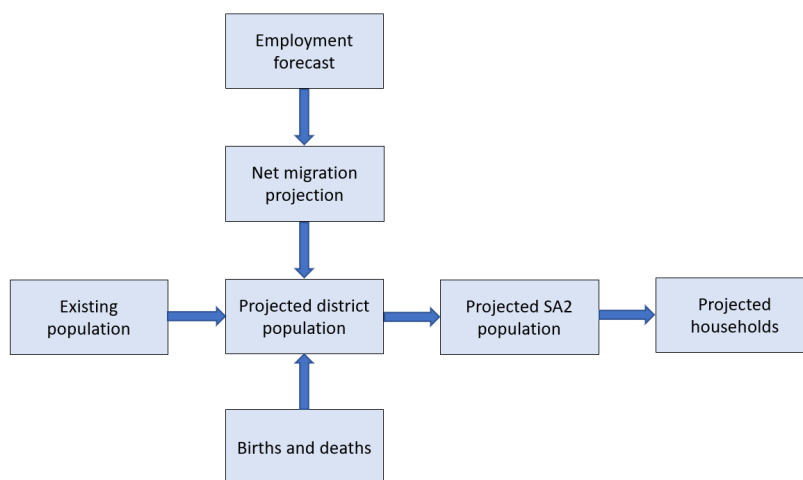
Our population projection approach follows a traditional cohort component projection approach, in which the population is broken up into age and gender cohorts. Each cohort is analysed and projected separately – considering the probabilities of different life events for each cohort in each five-year period. The life events include fertility, mortality, migration, household formation, and labour force participation. We also consider how these probabilities have changed over time and how they may change in future – for example, how labour force participation has risen among older age groups as life expectancy has extended over time.

Our key point of difference for our population projections is employment forecasts to inform net migration. We consider employment growth and labour force participation to assess labour force shortfalls in each region, which indicates how net migration will be distributed within the country. Consequently, these population projections are essentially informed by the economic prospects of the district.

We project population at a districtwide scale first, in consideration of demographic processes and employment growth. Then, we project population at a Statistical Area 2 (SA2) or sub-district scale in consideration of the capacity for household growth in each SA2 area and historic trends.

Our projection approach is summarised in Figure 1 below, with each facet of our approach described in greater detail in the Appendix.

Figure 1



7 Far North District population projections – May 2022

Economy

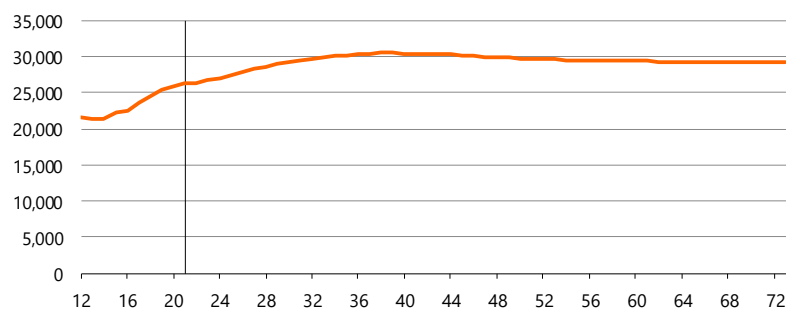
Employment to grow in short term, then flatten

Far North District employment has grown strongly in recent years, averaging 2.8% per annum between 2014 and 2020, reaching 25,810 as COVID-19 struck New Zealand. Disruption associated with COVID-19 led to slower employment growth, but no decline in job numbers in the Far North. For the remainder of the 2020s, employment growth is forecast to average 1.3% per annum, reaching a level of 29,232 in 2030. Employment is forecast to peak at 30,520 in 2039, and ease slightly thereafter. The drivers of this decline are detailed in the next section.

Graph 1

Far North District employment

Infometrics forecast



Our forecasts for employment are driven by a combination of historic trends and our forecasts for the future. This includes assumptions around environmental regulation (discussed below in the context of agriculture and forestry) and of linear adoption of automation technology, which will adversely affect employment in some industries.

Employment growth driven by services

Employment growth in the Far North is forecast to be driven by service industries, both over the short and long term. The largest industries for employment growth in the 2021 to 2031 period are, public administration (408 new jobs), professional services (383), health care (376), accommodation and food services (320), and education and training (315). These service industries were among the strongest growing industries in the Far North over 2012-21, and are expected to continue growing into the 2030s and 2040s, with the exception of health care and accommodation and food services, which will ease slightly in the 2040s.

Construction made the greatest contribution to employment growth over the 2012-21 period, adding 928 jobs. However, as population growth starts to flatten out, demand for construction is forecast to ease too, partially unwinding the growth of the past decade.

8 Far North District population projections – May 2022

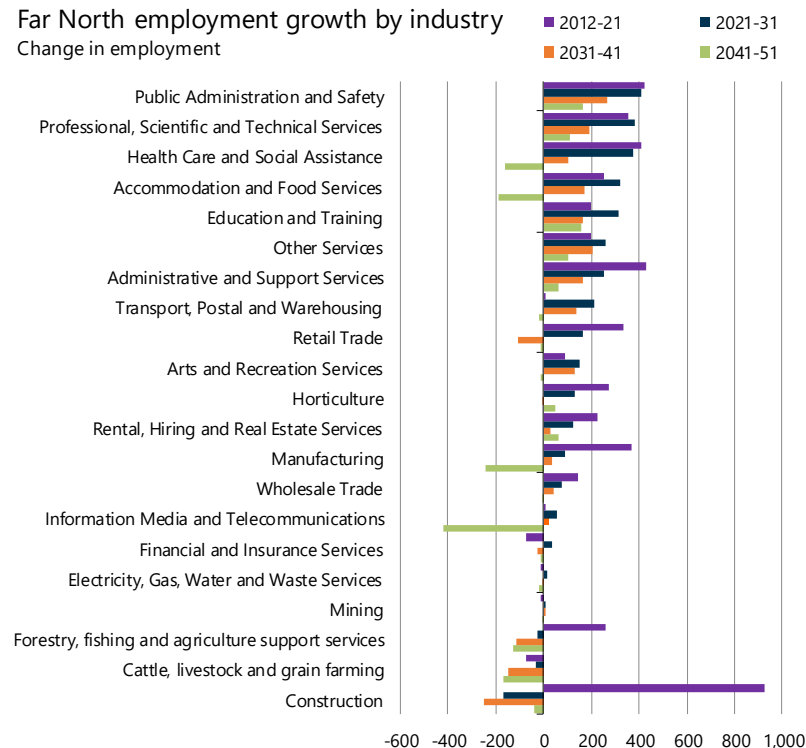
Our employment forecast is underpinned by key assumptions around the policy settings for agriculture and forestry. This includes the assumption that agriculture will be included in the emissions trading scheme (or a broadly equivalent regime) by 2025, and the carbon price will reach \$100/tCO₂ by 2030, and steadily increase to \$200/tCO₂ by 2050. We have also assumed that freshwater regulations will encourage a reduction in cattle and livestock farming, driven by the National Policy Statement for Freshwater Management. The effect of these changes is most keenly felt in cattle and livestock farming (including dairy cattle farming).

Employment in cattle and livestock farming fell between 2012 and 2021, and is projected to continue falling, accelerating after 2030. The extent of forestry is projected to grow, driven by a rising carbon price and utilising land being freed up from cattle and livestock farming. However, forestry creates only a modest employment boost, which fails to offset the fall in demand for support services from cattle and livestock farming, meaning that forestry, fishing and agriculture support services are projected to decline overall. Horticulture has been expanding in the Far North, aided by strong returns for the likes of kiwifruit and avocados. The horticulture industry grew 275 jobs in the Far North between 2012 and 2021. Horticulture is expected to continue growing over the next decade aided by the Mid North water scheme, adding 132 jobs between 2021 and 2031.

Graph 2

Far North employment growth by industry

Change in employment



9 Far North District population projections – May 2022

Shift in industries will affect parts of the district differently

Although we haven't projected employment at a sub-district level, the projected shift in the industry composition of the Far North economy does have implications for sub-district population growth. Growth in horticulture is more likely to be located near the district's main centres of Kaikohe, Kerikeri, and Kaitiā as these represent the largest labour pools, particularly Kaikohe due to Te Tai Tokerau Water Trust's Mid North water scheme. The headwinds of environmental regulation and carbon pricing faced by livestock farming may adversely affect employment in more remote parts of the district. Strong growth across a variety of service industries is also likely to take place in the three main centres, again driving population growth in the district's main centres.

Steady GDP growth over time

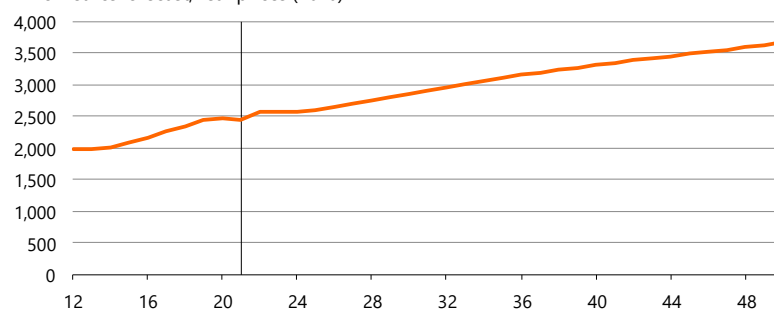
The Far North District has experienced a period of strong growth in recent years, with annual GDP growth averaging 3.1% per annum between 2014 and 2020. GDP was only slightly dented by COVID-19, down 0.3% in the year to March 2021. Moderate growth is forecast for the rest of this decade, averaging 1.7% per annum. From 2030 to 2050, the district's GDP is forecast to grow by an average of 1.3%. This growth will take overall economic activity from \$2,450m in 2022 to \$3,670m in 2050.

GDP in the Far North is forecast to grow faster than employment over the long term due to ongoing investment in capital across all businesses, which increases the productivity of workers. Furthermore, shifts from lower to higher-value added industries will grow GDP, such as from sheep and beef farming to horticulture.

Graph 3

Far North District GDP

Infometrics forecast, real prices (2020)

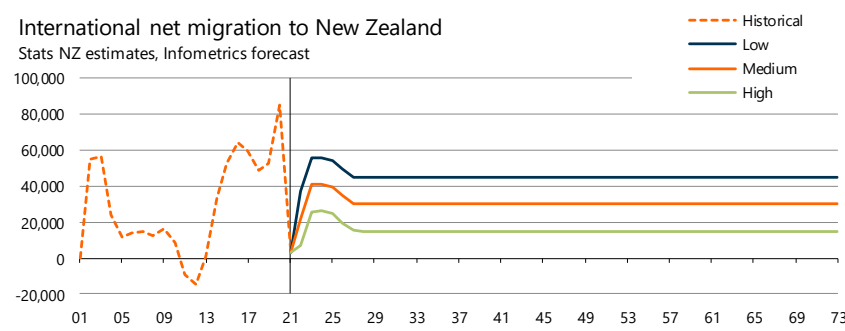


Population

International net migration to rise in near term

International net migration to New Zealand plunged in 2021, after reaching a record high in 2016, and a further record high in 2020 as expat New Zealanders rushed home ahead of COVID-19 border restrictions (Graph 4). Net migration plunged in 2021 but is forecast to recover strongly through 2022 as New Zealand's international borders are progressively reopened, and the 2021 Resident Visa reduces outflows of migrant workers. Net migration is forecast to peak at 45,000 in 2023 in our medium forecast, before settling at our long-term forecast level of 30,000 per annum from 2027 onwards. This reflects that under our forecast of steady employment growth projected and an ageing population, we expect sustained positive net migration over the long term. Although New Zealand doesn't currently have a long-term immigration strategy, we expect that labour market pressures will persuade future governments to enable sustained, moderate net migration flows through favourable migration settings. We don't expect net migration to return to the highs observed in the past decade, as it has increasingly been acknowledged that migration running ahead of growth in public infrastructure has come to the detriment of the wider community¹.

Graph 4



Drivers of population growth shift over time

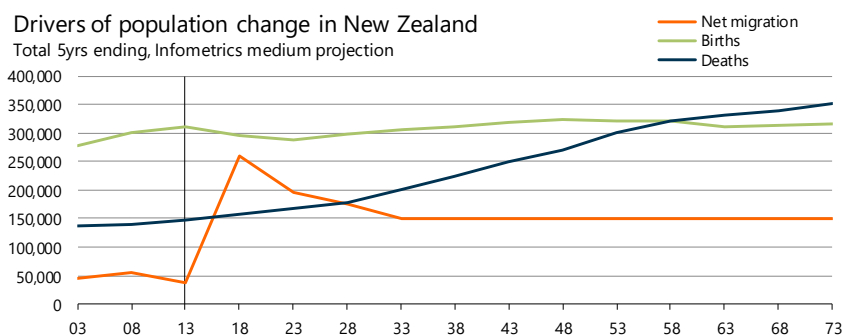
Shifts in international net migration have been the most noteworthy driver of population growth in the past decade nationally, owing to its dramatic volatility (Graph 5). However, this belies the long-term ageing of New Zealand's population which is closing the gap between births and deaths, known as natural increase. Births are projected to remain broadly steady in numeric terms, at or above 300,000 per five-year period, with a growing population offsetting a declining fertility rate. Deaths are projected to grow steadily as burgeoning older age groups outpace decreasing mortality rates. As natural increase decreases, with deaths growing faster than births, population growth will slow and become increasingly dependent on net migration. Nationally, deaths are projected

¹ New Zealand Productivity Commission. (2021). Immigration – Fit for the future: Preliminary findings and recommendations. NZPC. Available from <https://www.productivity.govt.nz/inquiries/immigration-settings>

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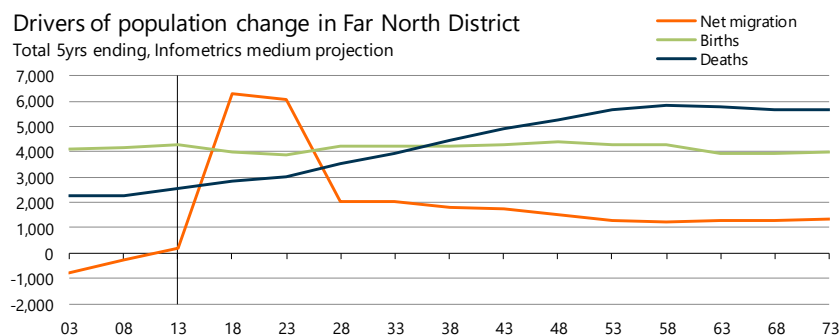
to outnumber births in the 2050s, at which point New Zealand's will be entirely reliant on net migration to continue growing and to avoid decline.

Graph 5



Natural increase in the Far North is projected to turn negative in the 2030s, with a growing number of deaths outpacing steady numbers of births (Graph 6). The Far North District experienced a more pronounced rise in net migration in the past decade, driven by both higher volumes of international net migration and a higher share of migration going to provincial areas rather than cities. As a consequence of the sharp rise in net migration to the Far North in the past decade, in the coming decade net migration to the Far North will fall more sharply than at the national level. Nonetheless, net migration to the Far North is projected to remain positive over the projection period, much stronger than the net outflows experienced in the 2000s. This reflects the district's need for workers to migrate to fill vacancies created through growth and retirement.

Graph 6



Net migration to the Far North district is projected to be positive in most age groups, with the strongest net migration gain in the 45-54-year-old age group, reflecting the district's attraction as a pre-retirement destination. Net migration is projected to be strongly negative in the 15-24-year-old age group, reflecting a long-standing trend of young people leaving the district for education, employment and travel after completing their secondary education. Net migration is projected to be weakly negative in the 75-

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years-and-older age group, reflecting historic trends of older persons leaving the district to be closer to specialist medical care.

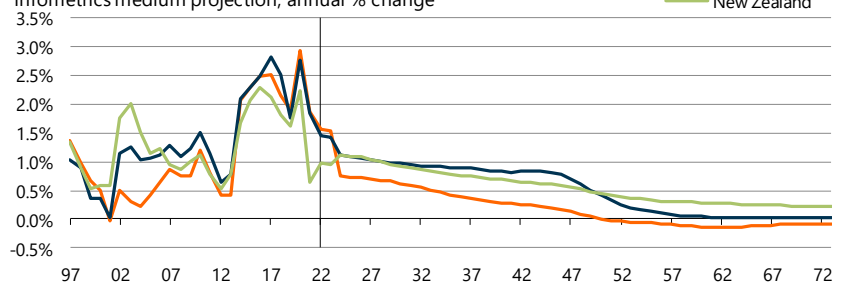
Population growth is front loaded

Far North District's annual population growth fluctuated between 0% and 1% through the 2000s, lagging Northland and New Zealand overall. Far North's growth picked up in the 2010s, closely tracking Northland and New Zealand with growth between 2% and 3% in the mid-2010s (Graph 8). Far North's growth eased to a still-strong 1.8% in 2021 as international net migration dried up amid COVID-19 border restrictions. Under the medium scenario, Far North population growth is projected to remain above 1% for 2022 and 2023, as the border reopening and 2021 Migrant Visa is expected to sustain strongly positive international net migration. From 2024 onwards, population growth in Far North is projected to slow down compared to Northland and New Zealand, but remain well above the Far North's growth in the 2000's. Over the longer term, population growth in the Far North is projected to lag Northland and New Zealand. This reflects underlying economic shifts, as service-based industries expand and primary industries decline, which lends to stronger growth in larger centres.

Graph 7

Population growth comparison

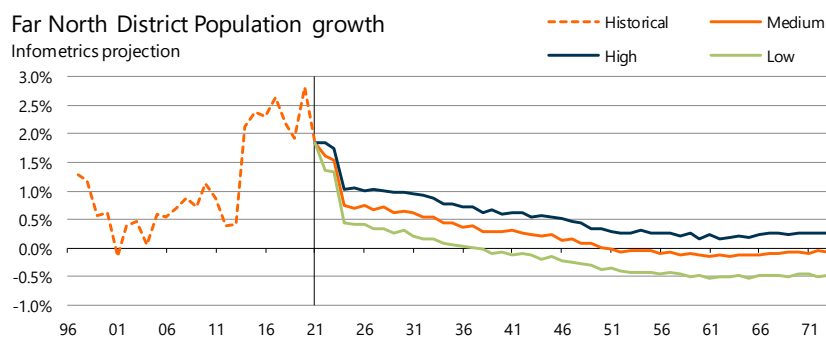
Infometrics medium projection, annual % change



From 2024 onwards, Far North's population growth is projected to diverge more widely across the three scenarios. Under the medium scenario, population growth is set to average 0.7% per annum over the 2024-2034 period, tapering until growth turns slightly negative in 2050 (Graph 8). At this point, the district is highly reliant on net migration to sustain the population level, however, employment is also forecast to be easing at this point, meaning that there is limited pull for migrants. Annual population growth is projected to stay weakly negative for the remainder of the projection period in the medium scenario.

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Graph 8



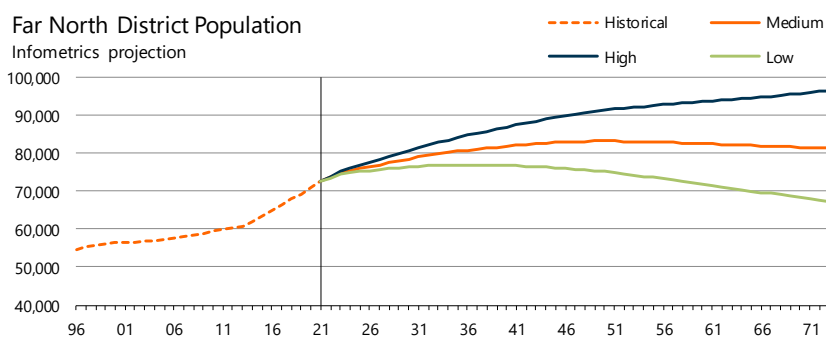
Under the low scenario, population growth is projected to average 0.3% for the 2024-2034 period, easing until it turns negative in 2039, and remaining negative for the remainder of the projection period. This reflects lower fertility, higher mortality, and weaker net migration than in the medium scenario. Under the high scenario, population growth is projected to stay positive for the entire projection period, averaging 1.0% per annum for the 2024-2034 period, and sitting above 0.5% until 2048. The high scenario reflects higher fertility, lower mortality and higher net migration than the medium scenario.

Across all three scenarios, the majority of the Far North's population growth over a 30- and 50-year horizon occurs within the first ten years.

Population peaks at 83,200 in 2049

Far North District's population grew gradually from 54,500 in 1996 to 60,600 in 2013, then rocketed to 72,500 in 2021 (Graph 9). Under the medium projection, the population is projected to grow moderately to reach 80,200 in 2034, followed by slow growth until a peak of 83,200 in 2049. Thereafter, the population is projected to gently ease to 81,500 in 2073.

Graph 9



Under the low scenario, the population is projected to grow slowly to reach 76,900 in 2034, then start declining from 2039 onwards, to reach 67,400 at 2073, slightly under the

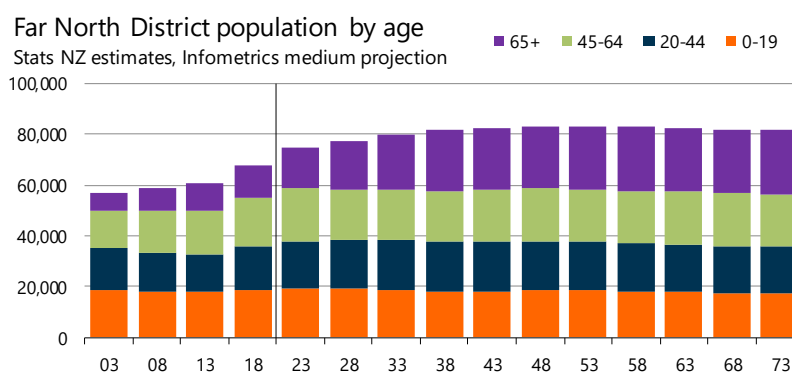
14 Far North District population projections – May 2022

district's current population. Under the high scenario, the district's population is projected to grow continuously, reaching 83,500 in 2034, followed by further growth to reach 96,600 in 2073.

Older age group grows, younger age groups hold steady

The 65-years-and-over age group has been the Far North's fastest growing in the past two decades, growing 113% between 2001 to 2021. It will continue to be the fastest growing age group in the coming two decades, projected to grow 64% between 2021 and 2041 under the medium scenario as the last of the baby boomer generation transitions into the age group. This age group is projected to grow from 14,800 in 2021 to 24,300 in 2041, and remain around this level for the remainder of the projection period (Graph 10). The 45-64-year-old age group grew strongly in the 2000s as the younger part of the baby boomer generation moved into the age group. Accordingly, this age group is not expected to grow further as it will have significant outflows, holding at around 20,000 for the remainder of the projection period. The 20-44-year-old age group grew strongly in the past decade, from 15,200 in 2011 to 18,500 in 2021, gaining from positive net migration to the district. The 20-44-year-old age group is projected to remain around their current size for the projection period, reflective of the more modest levels of net migration projected. The 0-19-year-old age group has been very steady over time, as is projected to remain near its current level of 19,300 throughout the projection period.

Graph 10



Average age rises rapidly

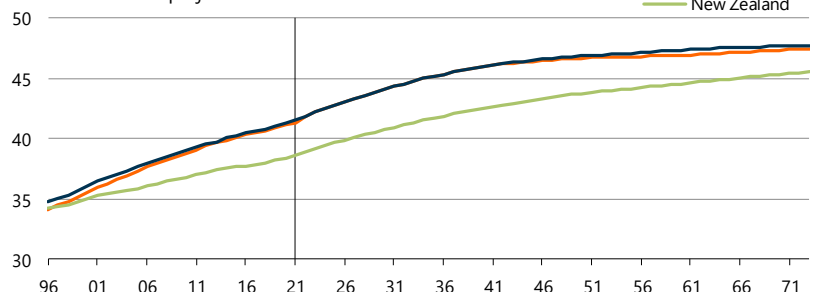
As a result of out-sized growth in the 65-years-and-over age group, the average age of the population is projected to rise strongly over the next 20 years. The average age of the Far North population in 2021 was 41 years, and this is projected to rise to 44 years in 2031 and 46 in 2041 (Graph 11). Far North's average age closely follows the Northland Region average, and both are rising much faster than the New Zealand average.

15 Far North District population projections – May 2022

Graph 11

Average age comparison

Infometrics medium projection



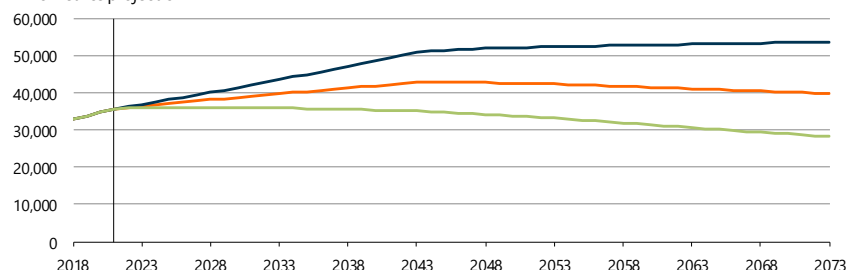
Māori population

From the 2018 Census, it is estimated that 33,100 people in the Far North identified with Māori ethnicity (Graph 12), 49% of the total population in the district (Graph 13). This is projected to grow to 40,200 (50%) in 2034 under the medium scenario, 44,400 (53%) under the high scenario, and 36,000 (47%) under the low scenario. By 2051, the Māori population in the Far North is projected to number 42,600 (51%) under the medium scenario, 52,400 (57%) under the high scenario, and 33,700 (45%) under the low scenario.

Graph 12

Far North District Māori Population

Infometrics projection



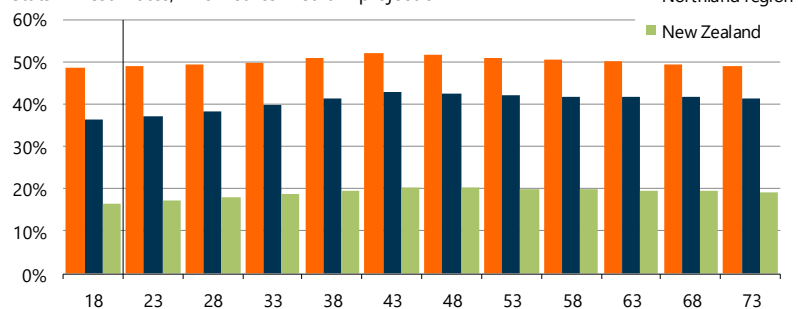
The proportion of the population identifying with Māori ethnicity in Far North district is projected to be relatively steady over time, rising from 49% in 2018 to 52% in 2043, and back to 49% in 2073. Māori make up a lesser share of the population across Northland overall (36% in 2018) and New Zealand (16%). The Māori population is projected to grow more strongly across Northland and New Zealand than in the Far North.

16 Far North District population projections – May 2022

Graph 13

Māori population share

Stats NZ estimates, Infometrics medium projection



Households

A household is a grouping of individuals and/or families living in the same dwelling and sharing facilities with each other.

Household projections are theoretical

Households and average household size are estimated based on projected changes in the sex and age structure of the population (such as a growing older-age population) and trends in household formation (such as women deferring childbirth). This provides a theoretical estimate of the number of households, however, the actual number of households will depend on a sufficient number of dwellings being available. If fewer dwellings are made available, for example due to lower levels of new dwelling construction, then fewer households will be able to form, and the average household size may be higher. As a practical example, we might expect a couple with one child to form their own single-family household, consisting of three occupants. However, if the couple is unable to obtain suitable dwelling, they may move in with one of their sets of parents, forming a multi-family household with five occupants.

Average household size to remain relatively steady

Over the projection period, the average household size in the Far North is projected to ebb and flow within the 2.6 to 2.7 persons per household range in the medium scenario. The strongly ageing population will keep average household size towards the lower end of this range until around 2040, driven by the baby boomer generation forming typically small households of couples or singles in their retirement years. After this point, the average household size will drift back towards the upper end of the range. Average household size is projected to be slightly higher in the high scenario, reflecting that the higher fertility assumption would lead to slightly larger family households, and conversely, average household is projected to be slightly lower in the low scenario. Overall, the relatively steady average household size across all three scenarios means that household growth will largely mirror population growth.

Household growth set to moderate

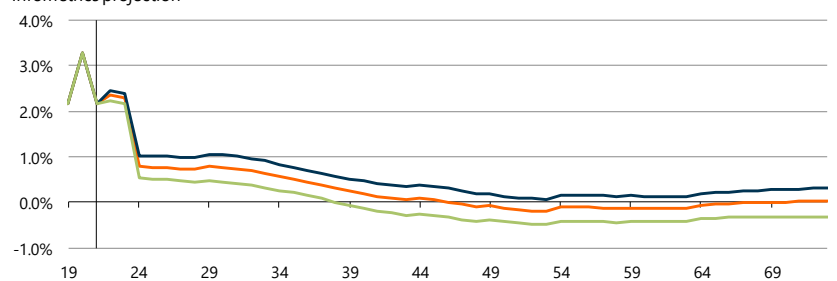
The number of households in the Far North is estimated to have grown by over 2% per annum since the 2018 Census, driven by strong population growth (Graph 14). Household growth is projected to ease in the coming years as population growth settles to more modest levels, across all three scenarios. Under the medium scenario, household growth is projected to moderate to an average of 0.7% per annum over the 2024-2034 period. Thereafter, household growth is projected to ease slightly before turning weakly negative from 2048 onwards. The high scenario mirrors this pattern at a higher level, averaging 1.0% per annum growth over the 2024-2034 period before easing, although remaining positive for the entire projection period. Under the low scenario, household growth averages 0.4% over the 2024-2034 period, then turns negative in 2039 and remains negative for the remainder of the projection period.

18 Far North District population projections – May 2022

Graph 14

Far North District household growth

Infometrics projection



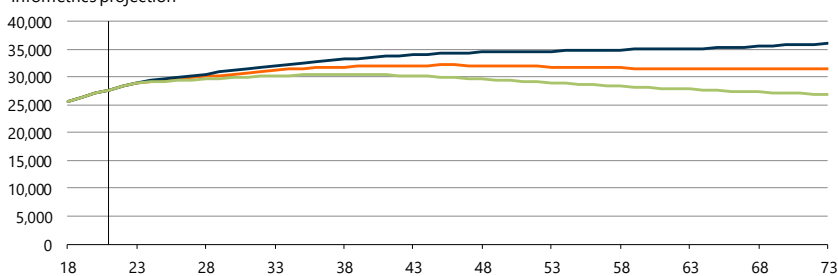
Households peak at 32,100 in 2046

The number of households in the Far North is projected under the medium scenario to grow from 25,700 in 2018 to 31,400 in 2034, before peaking at 32,100 in 2046 (Graph 15). The number of households is then projected to ease back slightly, reaching 31,400 in 2073.

Graph 15

Far North District households

Infometrics projection



Under the high scenario, the number of households is projected to reach 32,400 in 2034, growing slowly thereafter to reach 36,000 in 2073. Under the low scenario, the number of households is projected to grow slowly to reach 30,300 in 2034, then gradually decline to 26,900 in 2073.

19 Far North District population projections – May 2022

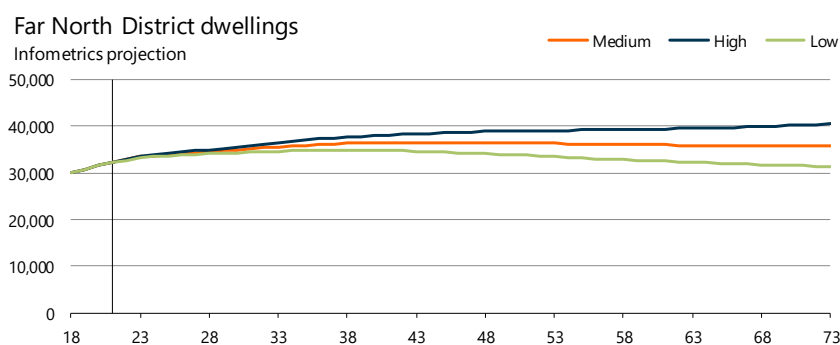
Dwellings

Dwellings include both occupied and unoccupied dwellings, and both are counted in the five-yearly national Census. We project growth in occupied dwellings based on growth in the number of households. We have assumed that the number of unoccupied dwellings (such as holiday houses) will remain constant into the future as inconsistencies between Censuses mean that we are unable to establish the historical trend. This means the growth in the total number of dwellings is solely driven by our household forecast.

Dwellings peak at 36,600 in 2046

The number of dwellings in the Far North is projected to grow from 30,200 in 2018 to 35,800 in 2034, before peaking at 36,600 in 2046, easing thereafter to reach 35,800 in 2073 (Graph 16). Under the high scenario, the number of dwellings is projected to grow to 36,800 in 2034, growing further to reach 40,500 in 2073. Under the low scenario, the number of dwellings is projected to reach 34,800 in 2034, peak at 34,900 in 2038, and decline to 31,400 in 2073.

Graph 16



Sub-district projections

Projections were produced for sub-district areas within the Far North using a variety of approaches. Stats NZ-defined Statistical Area 2 (SA2) were used as a building block. The Far North District is made up of 47 SA2 areas, each with an average population of 1,540 in 2018. We have produced a full demographic projection for each SA2 area, considering the current age and sex structure of the population, and projected births, deaths and household formation. We apportion the district's net migration to each of the 47 SA2s by considering historic trends in population and residential building consents as well as the likelihood and capacity of future growth. Likelihood and capacity of future growth was developed through analysis of council data and a workshop with council staff, and includes the following factors:

- **Known developments.** A list of specific known developments was provided by FNDC, which included a selection of developments at different stages of the resource consenting process. This was considered a very good indication of near-term population growth, and was used to indicate the distribution of growth across the district over 2022 and 2023.

Availability of residential land. Analysis from FNDC on latent capacity for residential development was used to quantify the availability of residential land for development. This included land which was either empty and zoned for residential activities or partially developed and suitable for subdivision. Generally speaking, the supply of zoned land wasn't a binding constraint on sub-district population growth, although it was used as a signal to apportion growth across the district.
- **Water and wastewater capacity.** This was based on 'order of magnitude' studies commissioned by FNDC. Overall, this work indicated that there was generally capacity for growth available in the District's water schemes (with the exception of Rawene), although most wastewater schemes were generally approaching or exceeding their theoretical capacity. Given that capacity was only identified as a loose constraint and in many cases investment for capacity enhancements was budgeted, it was not used to constrain development, except in the case of Rawene.
- **Likelihood of development.** Likelihood of development was considered through discussion with council staff. Staff advised that climate change will increase the exposure of Paihia, Kaeo and Hokianga to natural hazards, and thus limit the likelihood of further development in these areas. Strong prospects for economic growth in Ngawha were expected to underpin population growth in Kaikohe. The recent completion of Kerikeri's wastewater treatment plant, coupled with the potential for more intensive zoning provisions is expected to enable stronger urban growth in the Kerikeri-Waipapa area, and coupled with an expansion of horticultural zoning, is expected to reduce peri-urban growth in the area. Council staff also advised that efforts to enable papakāinga, both within council through the draft District Plan, and more broadly with central government efforts to overcome funding barriers, may lead to increased housing development in Māori-owned land. We have factored this into the projections by allowing slightly higher growth in rural areas of the district,

21 Far North District population projections – May 2022

underpinned by slightly higher net migration, reflecting Māori returning to their whenua.

Kaitaia and surrounds

Across Kaitaia and surrounds, growth is projected to be concentrated in the Kaitaia urban area, which is captured in the Kaitaia East and West SA2 areas, as well as Tangonge and Rangitahi SA2 which adjoin Kaitaia. Growth in the Kaitaia urban area is also expected to spill over to Ahipara and Awanui (Rangaunu Harbour SA2) to a lesser extent. The population of Kaitaia (East and West) is projected to grow from 6,300 in 2021 to 7,100 in 2034, and 8,100 in 2073.

Table 1

Population projections for Kaitaia and surrounds

Stats NZ estimate, Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Ahipara | 1,417 | 109 | 9 | 1 |
| Herekino-Takahue | 1,045 | 80 | 2 | -5 |
| Kaitaia East | 2,642 | 203 | 21 | 12 |
| Kaitaia West | 3,694 | 284 | 19 | 24 |
| North Cape | 1,834 | 141 | 5 | 2 |
| Peria | 1,261 | 97 | 4 | -1 |
| Rangaunu Harbour | 2,592 | 199 | 15 | 10 |
| Rangitahi | 975 | 75 | -3 | 0 |
| Tangonge | 1,221 | 94 | 4 | -1 |

Household projections for Kaitaia and surrounds

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Ahipara | 536 | 41 | 4 | 0 |
| Herekino-Takahue | 395 | 30 | 2 | -2 |
| Kaitaia East | 863 | 66 | 11 | 4 |
| Kaitaia West | 1,252 | 96 | 9 | 9 |
| North Cape | 722 | 56 | 3 | -1 |
| Peria | 489 | 38 | 3 | -1 |
| Rangaunu Harbour | 944 | 73 | 7 | 2 |
| Rangitahi | 371 | 29 | 0 | 0 |
| Tangonge | 453 | 35 | 2 | 0 |

Dwelling projections for Kaitaia and surrounds

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Ahipara | 633 | 49 | 4 | 0 |
| Herekino-Takahue | 463 | 36 | 2 | -2 |
| Kaitaia East | 880 | 68 | 11 | 4 |
| Kaitaia West | 1,255 | 97 | 9 | 9 |
| North Cape | 946 | 73 | 3 | -1 |
| Peria | 565 | 43 | 3 | -1 |
| Rangaunu Harbour | 1,058 | 81 | 7 | 2 |
| Rangitahi | 383 | 29 | 0 | 0 |
| Tangonge | 489 | 38 | 2 | 0 |

22 Far North District population projections – May 2022

Doubtless Bay

Growth in the Doubtless Bay area is projected to be strongest in the Taumarumaru SA2 which includes Taipa and Coopers Beach. Growth in Taemaro-Oruaiti is limited in part by a lack of available zoned land in the main settlement of Hihi. Growth in Karikari Peninsula SA2 is expected to be concentrated in Whatuwhiwhi and Tokerau Beach.

Across Doubtless Bay, and particularly Karikari Peninsula, dwellings greatly outnumber households – this reflects the prevalence of holiday houses in this area. We have assumed that there will be no further growth in holiday houses in future, largely due to a lack of data to inform any other assumption. This means that projected dwelling growth is driven solely by projected population and household growth.

Estimates for Hihi, Whatuwhiwhi (including Tokerau Beach) and Rangiputa settlements are detailed in the Wastewater service areas section.

Table 2

Population projections for Doubtless Bay

Stats NZ estimate, Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|--------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Karikari Peninsula | 1,384 | 106 | 5 | 3 |
| Oruru-Parapara | 971 | 75 | 3 | 0 |
| Taemaro-Oruaiti | 1,041 | 80 | 4 | -2 |
| Taumarumaru | 2,586 | 199 | 27 | 10 |

Household projections for Doubtless Bay

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|--------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Karikari Peninsula | 581 | 45 | 2 | -1 |
| Oruru-Parapara | 379 | 29 | 3 | 0 |
| Taemaro-Oruaiti | 431 | 33 | 2 | -1 |
| Taumarumaru | 1,109 | 85 | 8 | -1 |

Dwelling projections for Doubtless Bay

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|--------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Karikari Peninsula | 1,198 | 92 | 2 | -1 |
| Oruru-Parapara | 421 | 32 | 3 | 0 |
| Taemaro-Oruaiti | 606 | 47 | 2 | -1 |
| Taumarumaru | 1,581 | 122 | 8 | -1 |

23 Far North District population projections – May 2022

Kaeo/Whangaroa

Population growth in the Kaeo/Whangaroa area is projected to be modest as the area is apart from the Far North's main economic centres. Growth in Kaeo specifically is also to be limited by the threat of flooding, which will likely be exacerbated by climate change.

The Whakapaku and Whakarara areas are dominated by small settlements, predominantly consisting of holiday houses. Estimates for Matauri, Matauri Bay, Ota Point, Taupo Bay, Tauranga Bay, Te Ngairi and Totara Point settlements are detailed in the Error! Reference source not found. section. In these areas, dwellings greatly outnumber households – this reflects the prevalence of holiday houses in this area. We have assumed that there will be no further growth in holiday houses in future, largely due to a lack of data to inform any other assumption. This means that projected dwelling growth is driven solely by projected population and household growth.

Table 3

Population projections for Kaeo/Whangaroa

Stats NZ estimate, Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|-----------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaeo | 1,348 | 10 | 0 | -9 |
| Whakapaku | 785 | -1 | -4 | -9 |
| Whakarara | 1,477 | 6 | 0 | -4 |

Household projections for Kaeo/Whangaroa

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|-----------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaeo | 504 | 39 | 4 | 0 |
| Whakapaku | 315 | 24 | 1 | -2 |
| Whakarara | 591 | 45 | 2 | -1 |

Dwelling projections for Kaeo/Whangaroa

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|-----------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaeo | 581 | 45 | 4 | 0 |
| Whakapaku | 530 | 41 | 1 | -2 |
| Whakarara | 780 | 60 | 2 | -1 |

24 Far North District population projections – May 2022

Hokianga

Population growth in the Hokianga Harbour area is projected to be modest, with the majority taking place before 2034. This reflects the older population of the area, and the fact that Hokianga's main settlements are apart from the Far North's main economic centres which are driving growth.

Across the Hokianga area, dwellings greatly outnumber households – this reflects the prevalence of holiday houses in this area. We have assumed that there will be no further growth in holiday houses in future, largely due to a lack of data to inform a different assumption. This means that projected dwelling growth is driven solely by projected population and household growth.

Estimates for Kohukohu, Rawene and Opononi are detailed in the **Wastewater service areas** section. Estimates for Mitimiti, Panguru, Horeke, Koutu and Waimamaku are detailed in the **Settlements** section.

Table 4

Population projections for Hokianga

Stats NZ estimate, Infometrics medium projection

| SA2 area | 2021 | 2021-2034 | Annual change | |
|-----------------------|-------|-----------|---------------|-----------|
| | | | 2034-2053 | 2053-2073 |
| Hokianga North | 962 | 2 | -1 | -8 |
| Hokianga South | 1,363 | 2 | -1 | -5 |
| Kohukohu-Broadwood | 817 | -1 | -5 | -7 |
| Omahuta Forest-Horeke | 1,170 | 5 | 1 | -6 |
| Waima Forest | 1,175 | -8 | 1 | -5 |
| Waipoua Forest | 1,297 | 0 | -4 | -5 |

Household projections for Hokianga

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|-----------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Hokianga North | 342 | 26 | 3 | 0 |
| Hokianga South | 523 | 40 | 1 | -1 |
| Kohukohu-Broadwood | 332 | 26 | 1 | -2 |
| Omahuta Forest-Horeke | 413 | 32 | 3 | 0 |
| Waima Forest | 402 | 31 | 0 | 1 |
| Waipoua Forest | 531 | 41 | 0 | -2 |

Dwelling projections for Hokianga

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|-----------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Hokianga North | 468 | 36 | 3 | 0 |
| Hokianga South | 660 | 51 | 1 | -1 |
| Kohukohu-Broadwood | 403 | 31 | 1 | -2 |
| Omahuta Forest-Horeke | 546 | 42 | 3 | 0 |
| Waima Forest | 403 | 31 | 0 | 1 |
| Waipoua Forest | 796 | 61 | 0 | -2 |

25 Far North District population projections – May 2022

Kerikeri-Waipapa

The Kerikeri-Waipapa area is expected to continue accommodating the lion's share of Far North District growth over the next 50 years. The Kerikeri-Waipapa structure plan area, which includes a portion of the eight SA2 areas listed in Table 5, is estimated to accommodate 19% of the Far North's population in 2021. This is projected to grow to 25% by 2073, as growth in the area outpaces the district overall. As per the districtwide trend, growth in the Kerikeri-Waipapa area is projected to ease over the projection period. Growth is projected to be concentrated in the urban area, particularly Kerikeri Central and Kerikeri South, and to a lesser extent Riverview and Waipapa. This reflects that the recent wastewater treatment plant upgrade will enable residential development at a higher density than has occurred in the past two decades. Furthermore, expanded horticultural zones in the draft District Plan will constrain peri-urban residential development in this area.

The Kerikeri-Waipapa structure plan area was estimated using boundaries provided by FNDC and the distribution of address points across eight SA2 areas in a similar approach to that used to estimate settlement populations. FNDC also provided boundaries for the proposed urban area within the structure plan area, and we produced estimates for the urban area based on the distribution of address points and FNDC expectations for the share of growth across the structure plan area which would take place within the urban portion of the structure plan area.

Table 5

Population projections for Kerikeri-Waipapa

Stats NZ estimate, Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|---------------------------------------------|---------------|-------------------------|------------|------------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kerikeri Central | 2,759 | 38 | 29 | 21 |
| Kerikeri South | 2,744 | 76 | 24 | 23 |
| Lake Manuwai-Kapiro | 2,364 | 19 | 9 | 3 |
| Puketona-Waitangi | 1,493 | 16 | -4 | -7 |
| Puketotara | 1,932 | 36 | 25 | 19 |
| Rangitane-Purerua | 1,692 | 16 | 4 | -2 |
| Riverview | 2,563 | 32 | 9 | 5 |
| Waipapa | 960 | 31 | 21 | 15 |
| Kerikeri-Waipapa structure plan area | 13,621 | 1,048 | 158 | 104 |

Household projections for Kerikeri-Waipapa

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|---------------------------------------------|--------------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kerikeri Central | 1,123 | 10 | 8 | 7 |
| Kerikeri South | 1,166 | 27 | 3 | 7 |
| Lake Manuwai-Kapiro | 950 | 8 | 0 | 0 |
| Puketona-Waitangi | 623 | 6 | -2 | -3 |
| Puketotara | 782 | 15 | 6 | 6 |
| Rangitane-Purerua | 685 | 6 | 0 | -1 |
| Riverview | 1,050 | 12 | -1 | 1 |
| Waipapa | 344 | 14 | 8 | 6 |
| Kerikeri-Waipapa structure plan area | 5,543 | 85 | 22 | 24 |

26 Far North District population projections – May 2022

Dwelling projections for Kerikeri-Waipapa

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|---------------------------------------------|--------------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kerikeri Central | 1,248 | 10 | 8 | 7 |
| Kerikeri South | 1,204 | 27 | 3 | 7 |
| Lake Manuwai-Kapiro | 935 | 8 | 0 | 0 |
| Puketona-Waitangi | 695 | 6 | -2 | -3 |
| Puketotara | 759 | 15 | 6 | 6 |
| Rangitane-Purerua | 799 | 6 | 0 | -1 |
| Riverview | 1,081 | 12 | -1 | 1 |
| Waipapa | 347 | 14 | 8 | 6 |
| Kerikeri-Waipapa structure plan area | 5,740 | 85 | 22 | 24 |

27 Far North District population projections – May 2022

Kaikohe and surrounds

Population, household and dwelling growth in the Kaikohe area is projected to be concentrated in the Kaikohe SA2 areas, reflecting recent growth patterns and the attraction of water and wastewater services for residential development. Population growth in this area is underpinned by employment prospects in the Ngawha area, which is counted as being in the Ngapuhi SA2 area. Growth in this area will taper off over the projection period, reflecting the districtwide trend over time. Kaikohe SA2 is projected to continue experience positive population growth throughout the projection period.

Table 6

Population projections for Kaikohe and surrounds

Stats NZ estimate, Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaikohe | 4,824 | 28 | 12 | -10 |
| Mataraua Forest | 575 | 0 | -3 | -8 |
| Ngapuhi | 1,918 | 0 | -5 | -14 |
| Ohaeawai-Waimate North | 1,270 | 11 | 2 | -4 |
| Okaihau | 1,386 | 7 | -1 | -6 |

Household projections for Kaikohe and surrounds

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaikohe | 1,516 | 117 | 13 | 4 |
| Mataraua Forest | 200 | 15 | 2 | 0 |
| Ngapuhi | 718 | 55 | 2 | -2 |
| Ohaeawai-Waimate North | 499 | 38 | 3 | 0 |
| Okaihau | 510 | 39 | 3 | 0 |

Dwelling projections for Kaikohe and surrounds

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaikohe | 1,506 | 116 | 13 | 4 |
| Mataraua Forest | 228 | 18 | 2 | 0 |
| Ngapuhi | 620 | 48 | 2 | -2 |
| Ohaeawai-Waimate North | 518 | 40 | 3 | 0 |
| Okaihau | 538 | 41 | 3 | 0 |

28 Far North District population projections – May 2022

Kawakawa and surrounds

Population growth in Kawakawa and surrounds is projected to be modest going forward. Although Kawakawa and Moerewa have experienced strong growth in the past five years, this growth was largely clawing back population loss since the late 1990s, and these towns continue to record very low residential building consents which implies little potential for future growth. Growth in this area will taper off over the projection period, reflecting the districtwide trend over time.

Table 7

Population projections for Kawakawa and surrounds

Stats NZ estimate, Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|--------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kawakawa | 1,589 | 122 | 2 | -2 |
| Maromaku | 840 | 65 | 5 | -1 |
| Matawaia-Taumarere | 1,552 | 119 | 8 | -3 |
| Moerewa | 1,849 | 142 | 5 | -3 |
| Pakaraka | 710 | 55 | 0 | -5 |

Household projections for Kawakawa and surrounds

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|--------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kawakawa | 525 | 40 | 3 | 0 |
| Maromaku | 289 | 22 | 4 | 0 |
| Matawaia-Taumarere | 571 | 44 | 5 | -1 |
| Moerewa | 586 | 45 | 5 | 0 |
| Pakaraka | 274 | 21 | 1 | -1 |

Dwelling projections for Kawakawa and surrounds

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|--------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kawakawa | 535 | 41 | 3 | 0 |
| Maromaku | 287 | 22 | 4 | 0 |
| Matawaia-Taumarere | 610 | 47 | 5 | -1 |
| Moerewa | 518 | 40 | 5 | 0 |
| Pakaraka | 266 | 20 | 1 | -1 |

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Paihia/Russell

Population growth in the Paihia/Russell area is expected to be modest going forward, reflecting the relatively old population and limited scope for growth in many of the SA2 areas (Table 8). Resource consent information from FNDC indicates a number of planned developments in the Paihia area which will accommodate the majority of the area's growth in the short term. Over the longer term, growth across the area is projected to be lower and more concentrated in Haruru. This reflects that Haruru has the greatest availability of residentially zoned land; the potential for sea level rise to encroach on Paihia, Russell and Opuā; and lower growth across the district overall in the longer term.

Across the Paihia/Russell area, dwellings greatly outnumber households – this reflects the prevalence of holiday houses in this area. We have assumed that there will be no further growth in holiday houses in future, largely due to a lack of data to inform any other assumption. This means that projected dwelling growth is driven solely by projected population and household growth.

Table 8

Population projections for Paihia/Russell

Stats NZ estimate, Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Haruru | 1,223 | 94 | 23 | 10 |
| Opuā | 1,253 | 96 | 4 | 2 |
| Paihia | 1,684 | 130 | 13 | -1 |
| Russell | 802 | 62 | 4 | -1 |
| Russell Forest-Rawhiti | 780 | 60 | 1 | -1 |
| Russell Peninsula | 687 | 53 | 3 | -3 |

Household projections for Paihia/Russell

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Haruru | 489 | 38 | 9 | 4 |
| Opuā | 570 | 44 | 0 | -1 |
| Paihia | 712 | 55 | 2 | 0 |
| Russell | 383 | 29 | 1 | -1 |
| Russell Forest-Rawhiti | 308 | 24 | 1 | 0 |
| Russell Peninsula | 325 | 25 | 1 | -2 |

Dwelling projections for Paihia/Russell

Infometrics medium projection

| SA2 area | Estimate | Projected annual change | | |
|------------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Haruru | 517 | 40 | 9 | 4 |
| Opuā | 683 | 53 | 0 | -1 |
| Paihia | 924 | 71 | 2 | 0 |
| Russell | 638 | 49 | 1 | -1 |
| Russell Forest-Rawhiti | 503 | 39 | 1 | 0 |
| Russell Peninsula | 482 | 37 | 1 | -2 |

Additional sub-district areas

FNDC requested the provision of estimates and projections for additional sub-district areas which don't align with Stats NZ's SA2 boundaries. These include the Kerikeri-Waipapa structure plan area and urban area, small settlements, and the service areas for FNDC's eight water and 16 wastewater schemes. We have developed methods to estimate and project the population of these areas as best as possible, but it should be noted that these estimates and projections are not as robust as the SA2 and district level projections.

Water and wastewater service areas were estimated by comparing their area of benefit (as defined by FNDC) to Stats NZ's Statistical Area 1 (SA1) areas, and where the majority of dwellings in an SA1 were within the area of benefit, then the entire SA1 was counted as being in the service area. Population, households and dwellings were then estimated based on the SA1s share of the broader SA2 area, considering historic trends from the 2006, 2013 and 2018 Census, and the capacity for further growth in terms of known developments and zoned land.

Settlements were identified based on the settlement zones of the draft District Plan. The population of each settlement was quantified by analysing the distribution of address points (from Land Information New Zealand) within each Stats NZ meshblock area, and each meshblock's share of the overarching SA2 population. Settlements are generally much smaller than Stats NZ's geographic areas, so this approach represents a best effort attempt at identifying their size. This approach provides a reasonable estimate of population, dwellings and households in 2021, as it is based on 2022 address points and 2018 Census data. However, these estimates become more speculative moving further into the future and should be used with caution.

Wastewater service areas

Population, household and dwelling projections for FNDC operated wastewater schemes are detailed in Table 9. These largely reflect the subdistrict growth described in previous sections, although they differ slightly as the scheme areas of benefit do not completely align with SA2 boundaries.

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Table 9

Population projections by wastewater service area

Infometrics medium projection

| Wastewater scheme | Estimate | Projected annual change | | |
|-------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Ahipara | 1,417 | 13 | 1 | -1 |
| Hihi | 206 | 1 | 0 | -1 |
| Kaeo | 581 | 6 | 1 | -4 |
| Kaikohe | 5,666 | 34 | 15 | -13 |
| Kaitaia | 6,926 | 63 | 39 | 12 |
| Kawakawa | 1,589 | 3 | -2 | -4 |
| Kerikeri | 3,557 | 67 | 46 | 37 |
| Kohukohu | 189 | 0 | -1 | -2 |
| Opononi | 584 | 2 | -1 | -2 |
| Paihia | 4,217 | 60 | 11 | 5 |
| Rangiputa | 58 | 0 | 0 | 0 |
| Rawene | 546 | 0 | -1 | -2 |
| Russell | 802 | 6 | -1 | -2 |
| Taipa | 2,586 | 40 | 10 | 6 |
| Whangaroa | 158 | 1 | 0 | 0 |
| Whatuwhiwhi | 808 | 5 | 2 | 0 |

Household projections by wastewater service area

Infometrics medium projection

| Wastewater scheme | Estimate | Projected annual change | | |
|-------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Ahipara | 536 | 6 | 0 | 0 |
| Hihi | 85 | 1 | 0 | -1 |
| Kaeo | 217 | 3 | 0 | -1 |
| Kaikohe | 1,832 | 22 | 5 | 1 |
| Kaitaia | 2,331 | 32 | 14 | 9 |
| Kawakawa | 525 | 4 | 1 | 0 |
| Kerikeri | 1,449 | 21 | 13 | 13 |
| Kohukohu | 77 | 0 | 0 | -1 |
| Opononi | 239 | 1 | -1 | -1 |
| Paihia | 1,794 | 17 | 3 | -1 |
| Rangiputa | 24 | 0 | 0 | 0 |
| Rawene | 210 | 1 | -1 | 0 |
| Russell | 383 | 1 | -1 | -1 |
| Taipa | 1,109 | 11 | -1 | 1 |
| Whangaroa | 63 | 0 | 0 | 0 |
| Whatuwhiwhi | 339 | 2 | 0 | 0 |

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Dwelling projections by wastewater service area

Infometrics medium projection

| Wastewater scheme | Estimate | Projected annual change | | |
|-------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Ahipara | 633 | 6 | 0 | 0 |
| Hihi | 215 | 1 | 0 | -1 |
| Kaeo | 225 | 3 | 0 | -1 |
| Kaikohe | 1,716 | 22 | 5 | 1 |
| Kaitaia | 2,340 | 32 | 14 | 9 |
| Kawakawa | 538 | 4 | 1 | 0 |
| Kerikeri | 1,433 | 21 | 13 | 13 |
| Kohukohu | 116 | 0 | 0 | -1 |
| Opononi | 397 | 1 | -1 | -1 |
| Paihia | 2,040 | 17 | 3 | -1 |
| Rangiputa | 112 | 0 | 0 | 0 |
| Rawene | 271 | 1 | -1 | 0 |
| Russell | 641 | 1 | -1 | -1 |
| Taipa | 1,581 | 11 | -1 | 1 |
| Whangaroa | 101 | 0 | 0 | 0 |
| Whatuwhiwhi | 679 | 2 | 0 | 0 |

Water supply service areas

Population, household and dwelling projections for FNDC operated water supply schemes are detailed in Table 10. These largely reflect the subdistrict growth described in previous sections, although they differ slightly as the scheme areas of benefit do not align with SA2 boundaries.

Table 10

Population projections by water supply service area

Infometrics medium projection

| Water supply scheme | Estimate | Projected annual change | | |
|---------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaikohe | 5,826 | 34 | 15 | -14 |
| Kaitaia | 6,782 | 59 | 37 | 10 |
| Kawakawa | 3,438 | 11 | -5 | -8 |
| Kerikeri | 5,372 | 89 | 50 | 36 |
| Okaihau | 792 | 5 | -1 | -3 |
| Opononi | 588 | 3 | -1 | -2 |
| Paihia | 4,217 | 60 | 11 | 5 |
| Rawene | 614 | 0 | -1 | -2 |

Household projections by water supply service area

Infometrics medium projection

| Water supply scheme | Estimate | Projected annual change | | |
|---------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaikohe | 1,892 | 22 | 5 | 1 |
| Kaitaia | 2,280 | 31 | 14 | 8 |
| Kawakawa | 1,110 | 12 | 1 | 0 |
| Kerikeri | 2,193 | 30 | 11 | 12 |
| Okaihau | 291 | 3 | 0 | -1 |
| Opononi | 241 | 1 | -1 | -1 |
| Paihia | 1,794 | 17 | 3 | -1 |
| Rawene | 236 | 1 | -1 | -1 |

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Dwelling projections by water supply service area

Infometrics medium projection

| Water supply scheme | Estimate | Projected annual change | | |
|---------------------|----------|-------------------------|-----------|-----------|
| | 2021 | 2021-2034 | 2034-2053 | 2053-2073 |
| Kaikohe | 1,778 | 22 | 5 | 1 |
| Kaitaia | 2,299 | 31 | 14 | 8 |
| Kawakawa | 1,059 | 12 | 1 | 0 |
| Kerikeri | 1,930 | 30 | 11 | 12 |
| Okaihau | 299 | 3 | 0 | -1 |
| Opononi | 399 | 1 | -1 | -1 |
| Paikia | 2,040 | 17 | 3 | -1 |
| Rawene | 272 | 1 | -1 | -1 |

Settlements

Population, household and dwelling estimates for Far North settlements are detailed in Table 11. For many of these settlements, the number of dwellings greatly outnumbers the number of households – this is due to unoccupied dwellings, typically holiday houses, which are counted as dwellings but not households as their occasional occupants reside elsewhere.

Table 11**Population, household and dwelling estimates by settlement**

Infometrics estimates for 2021

| Settlement | Population | Households | Dwellings |
|--------------------|------------|------------|-----------|
| Horeke | 43 | 15 | 20 |
| Kaimaumau | 72 | 26 | 65 |
| Koutu | 76 | 29 | 52 |
| Manawaora | 52 | 21 | 46 |
| Matauri | 65 | 26 | 22 |
| Matauri Bay | 45 | 18 | 17 |
| Mitimiti | 23 | 8 | 13 |
| Ohaewai | 278 | 109 | 107 |
| Okiaio | 220 | 104 | 147 |
| Te Wahapu | 155 | 63 | 104 |
| Opito Bay | 43 | 21 | 26 |
| Orongo Bay | 28 | 11 | 15 |
| Ota Point | 26 | 9 | 14 |
| Panguru | 504 | 198 | 284 |
| Pukenui | 171 | 69 | 77 |
| Rangitane | 28 | 11 | 156 |
| Taupo Bay | 72 | 29 | 51 |
| Tauranga Bay | 17 | 7 | 56 |
| Te Ngairi | 25 | 10 | 49 |
| Te Uenga Bay | 93 | 44 | 78 |
| Totara North | 100 | 40 | 54 |
| Waimamaku | 45 | 18 | 20 |
| Waipapakauri Beach | 119 | 43 | 55 |

Peak population

This section includes analysis of peak population. The population projections contained in previous sections are on the basis of the permanent resident population, as estimated by Stats NZ as of the 30th of June each year. However, some parts of the Far North experience volatility in the number of people present in the district – for example, seasonal workers for the horticulture industry, or tourists. This section attempts to estimate how large the peak population may be in each area relative to the permanent resident population, and understand the timing of these peaks.

Peak population approach

We used daily wastewater flows as a proxy for daily population in each of the Far North's settlements, in order to understand the magnitude and timing of population peaks throughout the year. We focused on wastewater flows as they are more closely related to population than water supply, which can be affected by seasonal trends such as filling of pools and watering gardens during hot periods.

Daily wastewater flow data and rainfall for each of the district's wastewater treatment plants was sourced from centralised records for the 2018 to 2021 period, and individual site logbooks back as far as 2013. There were widespread data quality issues which severely constrained the analysis and prevented analysis for some settlements. The data quality issues included missing data for multiple months at a time, and implausible values.

Wastewater data was processed by clipping the series to provide a continuous multi-year time series for each settlement. A mean daily value was determined for each settlement and this was used to overwrite any missing or implausible values. Rainfall data was used to identify days where wastewater inflows may have been affected by rainwater infiltration, such that wastewater flows were overwritten with the mean daily value when there had been greater than 0.5mm of rainfall in the preceding two days. Extreme values, defined as 3 times the mean daily flow, were also overwritten with the mean daily flow.

Despite extensive data processing, we were unable to analyse patterns in wastewater flows for Kerikeri, Rawene, Paihia, East Coast (Taipa) and Kawakawa due to poor quality data. Data quality issues also prevented a robust conclusion on the magnitude and timing of peak populations for most areas.

Changing trends will alter the peak population

Changing trends around tourism and migrant workers in recent years will affect the trends. International visitor arrivals to New Zealand grew 173% between 2013 and 2019, which will affect the magnitude of population peaks in settlements driven by international tourists such as Paihia and Russell. Since the onset of COVID-19, many holiday destinations are experiencing higher occupancy of holiday houses and greater domestic tourism as border closures prevented New Zealanders from travelling for international holidays. Rapidly escalating house prices over the past decade may have

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encouraged permanent occupation of dwellings formerly used as holiday houses, which will increase the permanent population and reduce the magnitude of population peaks.

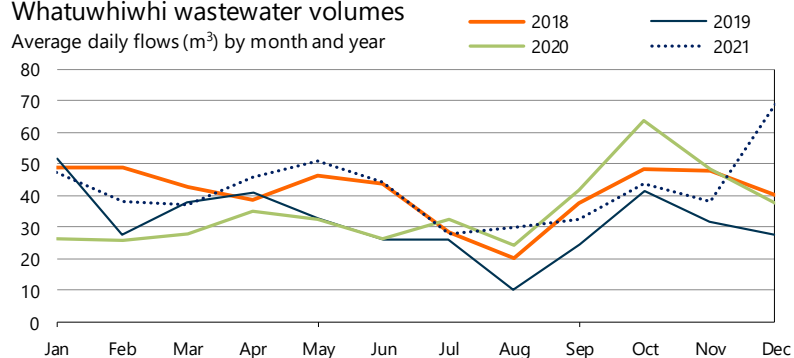
Whatuwhiwhi

Wastewater volumes in Whauwhiwhi (including Tokerau Beach) did not show any appreciable monthly pattern (Graph 17). Weekly data showed and approximately 30% increase in volumes associated with Labour Weekend and between Christmas and New Years Eve (NYE).

Graph 17

Whatuwhiwhi wastewater volumes

Average daily flows (m³) by month and year



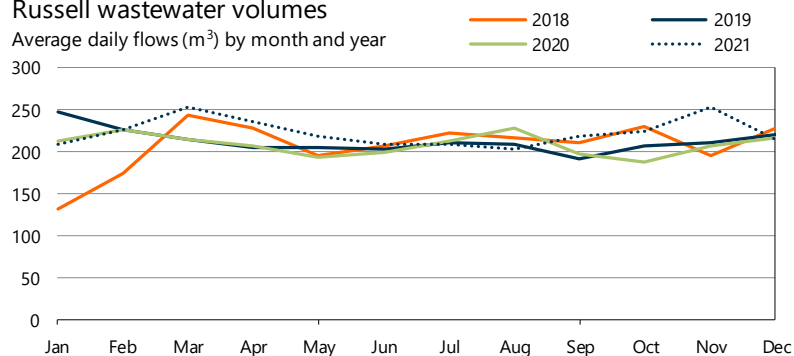
Russell

Wastewater volumes in Russell did not exhibit any appreciable seasonal pattern (Graph 18).

Graph 18

Russell wastewater volumes

Average daily flows (m³) by month and year

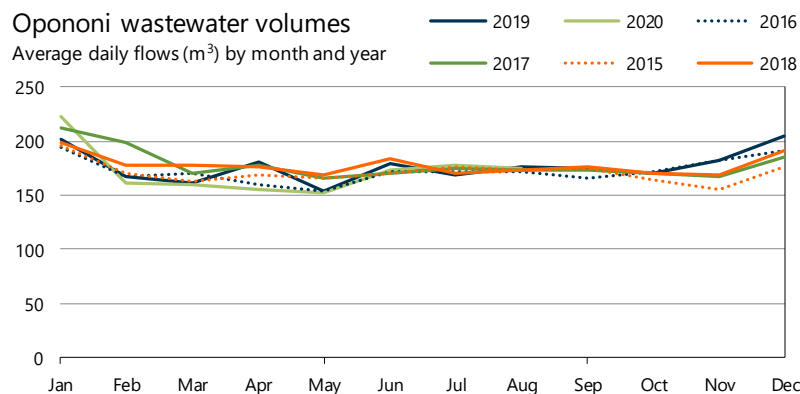


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Opononi

Wastewater volumes in Opononi exhibited notable peaks around summer (Graph 19), with December flows 7% higher than average, and January flows 17% higher than average. Flows in the first two weeks of January were typically 30% higher than average.

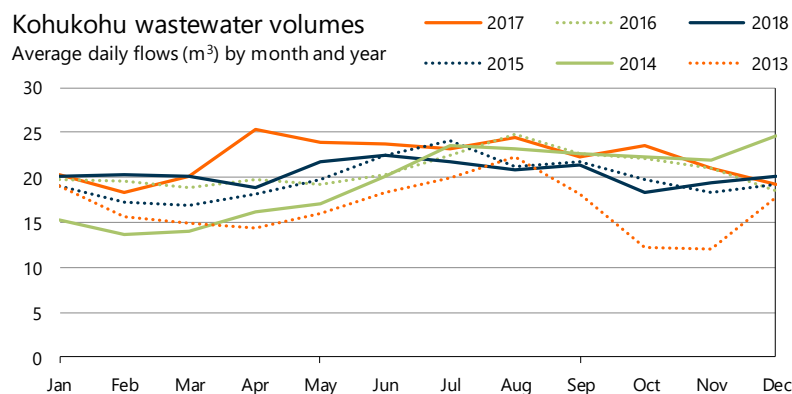
Graph 19



Kohukohu

Wastewater volumes in Kohukohu did not exhibit any appreciable seasonal pattern (Graph 20).

Graph 20



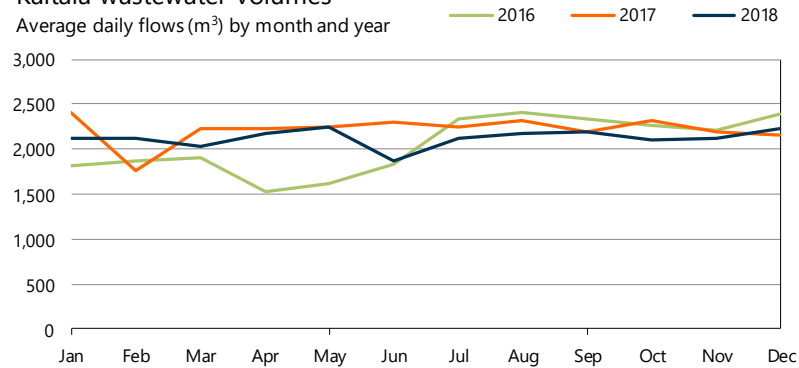
Kaitaia

Wastewater water volumes in Kaitaia exhibit steady wastewater volumes with no seasonal pattern (Graph 21). The presence of large industrial wastewater producers may add stability to daily flows and disguise any seasonal population patterns.

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Graph 21

Kaitaia wastewater volumes

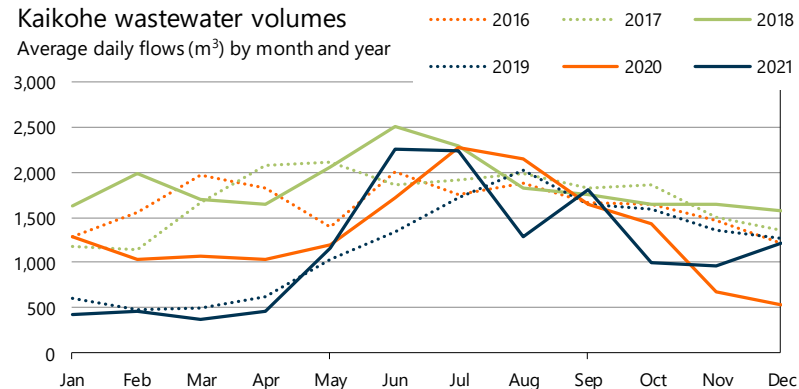
Average daily flows (m³) by month and year

Kaikohe

Wastewater volumes in Kaikohe exhibit higher volumes in winter, which could be indicative of groundwater infiltration rather than a winter population peak (Graph 22).

Graph 22

Kaikohe wastewater volumes

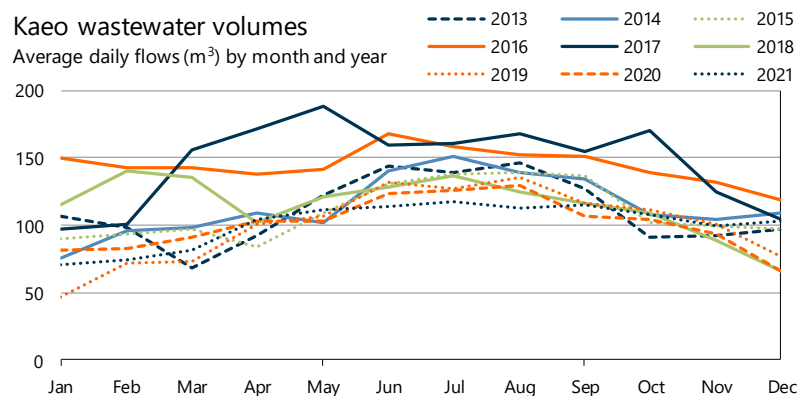
Average daily flows (m³) by month and year

Kaeo

Wastewater volumes in Kaeo exhibit higher flows during winter, which like Kaikohe could be indicative of groundwater infiltration rather than a winter population peak (Graph 23).

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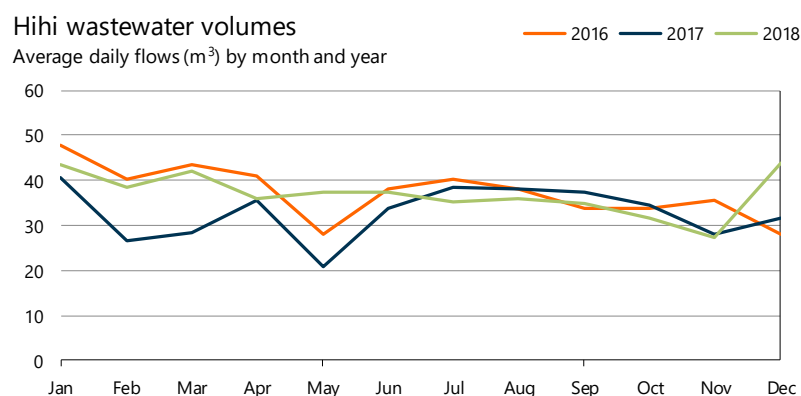
Graph 23



Hihi

Hihi exhibits very stable wastewater volumes with limited seasonality (Graph 24).

Graph 24



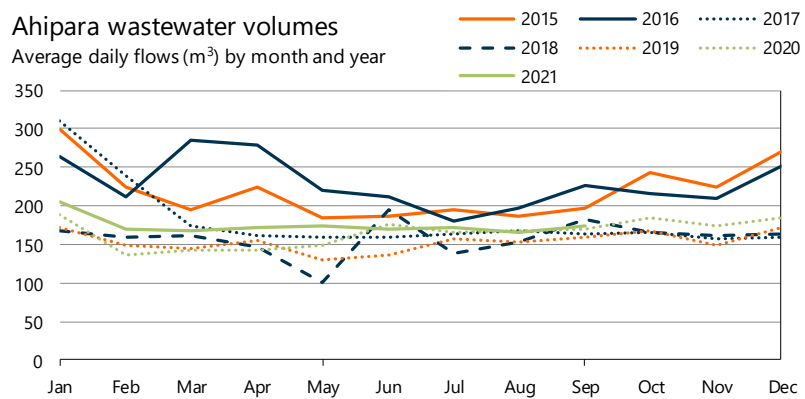
Ahipara

Ahipara wastewater flows exhibit a steady pattern throughout the year (Graph 25). The 2015-17 years exhibited a noticeable peak in December and January, but this pattern is no longer evident. This may reflect holiday houses becoming increasingly permanently occupied since 2017.

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Graph 25

Ahipara wastewater volumes

Average daily flows (m³) by month and year

Appendix – our approach in detail

This section expands on the brief methodology described in *Our approach*, explaining our approach to each facet of the projection, including key assumptions that we have made.

Employment forecast

Infometrics forecasts regional employment through a combination of three models. Our macro-economic model provides forecasts of national employment on an annual basis up to 2026. Our general equilibrium model forecasts national employment by industry over the long-term. Finally, our regional forecasting model breaks these forecasts down to industries in each region.

Macro-economic model

Infometrics maintains a macroeconomic forecasting model that underpins our five-year forecasts of activity across the national economy. Our model accounts for the relationships between different sectors of the economy and their responsiveness to one another. These include the labour market, households, businesses, government, the international trade sector, and financial markets.

In times of economic upheaval, we refine the output from the model based on expert input from our forecasting team, their knowledge of rapidly changing trends in the economy, and the insights we gain from our interactions with central government, Councils, Economic Development Agencies, and private sector clients.

Overseeing the forecasting process and model is Gareth Kiernan, who has been forecasting the New Zealand economy for more than 20 years. The framework provides quarterly forecasts of GDP, employment, unemployment, and a range of other macroeconomic indicators up to 2026.

General equilibrium

Infometrics general equilibrium (GE) model enables us to produce long term national forecasts of employment by 55 industries. To obtain projections for a 30-year horizon requires an approach that is based on structural issues such as technological change, industry productivity, demographics, evolving demand for different consumer goods and services, and New Zealand's international competitiveness. The model presents a picture or scenario of the economy for the target years (in our case 2030 and 2050) based on plausible assumptions of economic factors including international commodity prices, population growth, carbon price, automation, changes in energy efficiency, and substitution between four energy types (coal, oil, gas and electricity). Some of the key macro-economic assumptions used by the model are shown in Table 12.

Long term forecasts should ideally be presented as scenarios given the uncertainty of the future. In this project we will present a central scenario which is based on a central view of a range of factors that can influence employment outcomes over the long term.

Infometrics' GE model is maintained by one of New Zealand's foremost econometricians, Dr Adolf Stroombergen.

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Table 12. ESSAM macro-economic assumptions and outputs

| Indicator | 2025-2030 | 2030-2050 |
|-------------------------|---------------------------------------|---------------------------------------|
| <i>Growth rates</i> | | |
| Population | 1.0%pa | 1.0% pa |
| Labour force | 0.7%pa | 0.46%pa |
| GDP | 2.9%pa | 1.7%pa* |
| World trade | 2.7%pa | 2.5%pa |
| Public investment | 3.0%pa | 2.5%pa |
| Government consumption | 2.1%pa | 1.7%pa |
| Investment in dwellings | 2.0%pa | 1.0%pa |
| <i>Real prices</i> | | |
| Oil price | US\$110/bbl in 2030 | US\$110/bbl in 2050 |
| Carbon price | NZ\$100/tonne CO ₂ in 2030 | NZ\$200/tonne CO ₂ in 2050 |

* These are model results, not input assumptions.

Regional Forecasting Model

The Regional Forecasting Model is an econometric model which breaks national employment forecasts to detailed industry and regional level. It draws on Infometrics 20-year quarterly time series of employment by detailed industry by territorial authority. The model uses a mix of top-down and bottom-up approaches. It simultaneously provides forecasts for all industries in all territorial authorities that are constrained to be consistent with Infometrics macroeconomic forecasts for the national economy in the medium term and the outputs of the GE model in the long term.

A number of sub-models which use a bottom-up approach feed into the Regional Forecasting Model. We build sub-models for industries that we have detailed insights into, and we forecast drivers of employment in those industries. Currently we use four industry sub-models.

Construction sub-model

The construction sub-model provides forecasts of employment in each of the 24 construction sub-industries in each territorial authority. It is an econometric model which is largely driven by Infometrics forecasts of work put in place (WPIP) which are presented to clients via our Regional Construction Outlook product. Our WPIP forecasts are driven by population growth, household formation, and large construction projects which have been signalled. Employment is assumed to respond in a lagged manner to changes in WPIP. The length and magnitude of those lagged responses differs across industries.

Education sub-model

The education sub-model provides forecasts of employment for the following subindustries: early childhood education, primary education, secondary education, tertiary and vocational education. The model develops a relationship between age

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cohorts and demand for services from each sub-industry and draws on our age specific population forecasts to estimate the demand for services from each sub-industry. For example, the size of the population of 0- to 4-year-olds drives the demand for early childhood education. In some cases, we assume that student to staff ratios will keep falling and these have also been incorporated into our estimates for long-term demand. We then estimate the speed at which employment will converge to long-term demand. The model accounts for trends in international education which are driven by different factors compared to domestic education.

Healthcare sub-model

The healthcare sub-model disaggregates into healthcare industries (hospitals, dental services, etc) and social service industries (aged care, childcare). We use regional population projections to estimate long-term demand for these services. Where relevant we combine these regional population projections with estimates of demand for healthcare services by age group. For example, demand for hospital workers incorporates data on the number of hospital bed days by age group.

Retail and hospitality sub-model

The retail and hospitality sub-model disaggregates into retail industries and hospitality industries (accommodation and food services). Forecasting is a two-stage process. First, we forecast regional retail and hospitality sales, taking into account the different components of sales: local spending, domestic tourism and international tourism. This allows us to account for the regional variations in the impact of COVID, which include lower international tourism but higher amounts of local spending and domestic tourism. Second, we use econometric models to forecast the impact of retail and hospitality sales on employment.

Other industries

For industries with no sub-model the RFM draws on historic trends, patterns and relationships, and projects these into the future. RFM draws on a 20-year quarterly time series of employment by 500 industries in each territorial authority. It creates multiple forecast models for every territorial authority and industry combination and using machine learning techniques, selects and applies the model which has proven to have best predictive ability. Using these techniques, it produces forecasts of employment across 500 industries for each territorial authority over the long term.

Population projection

Scenarios

We will produce projections across three scenarios – low, medium and high. These are distinguished by different projections of net migration, births and deaths.

Population base

As a rule, the appropriate population to use for Council Long Term Planning (LTP) purposes is the estimated resident population (ERP). This represents all individuals who permanently reside in an area and could be considered a 'maximum' population, as a percentage of these individual is likely to be away at any given point in time.

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Consequently, the StatsNZ 2021 Estimated Resident Population (ERP) is considered as the basis for the population projections. This estimate is produced by StatsNZ with the most recent available Census (2018) data, and births, deaths and migration that has been recorded since.

Given that the majority of population projection parameters from StatsNZ are published for five-year intervals, our projection model also operates at five-year intervals, from 2018 to 2073. We then make use of a cubic-spline statistical process to interpolate population to single years. We make adjustments to reflect that with data up to 2021 currently available, we have data for three out of five years in the 2018 to 2023 period. We repeat this process every year to account for Stats NZ's annual publication and revision of subnational population estimates.

Fertility

StatsNZ projects regional age-specific fertility rates, for five-year age groups, which we apply to our estimates of population by age and gender cohorts, in order to estimate the number of births in each five-year period. Throughout the projection period, we adopt StatsNZ's assumed gender ratio of 105.5 males per 100 females born – this is based on the historic average ratio at a national level. This phenomenon is commonly observed around the world, and is understood to be a function of slightly higher miscarriage rates for female babies, rather than of selective abortion.

Mortality

Projected age- and gender-specific mortality rates by region or territorial authority, as calculated by StatsNZ, are applied to accurately project the number of deaths. These rates vary over time to reflect observed trends such as extended life expectancy.

Migration

We build up our projection of net migration in two stages. First, we consider overall volumes of international net migration to New Zealand. This contributes to the total pool of net migrants – international and internal – which we apportion to each territorial authority.

International net migration volumes

The population projections draw on Infometrics' short- and long-term international migration forecasts. These are illustrated in Graph 26.

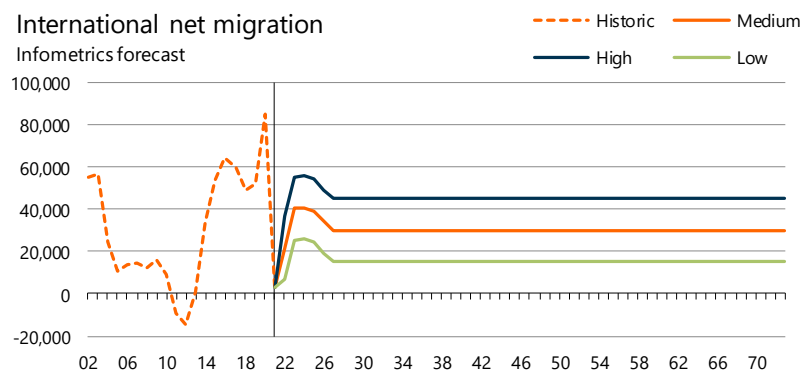
In the short term, COVID-19-related border restrictions are the most significant influence on international net migration. We expect that international net migration will recover strongly through 2022 as New Zealand's international borders are progressively reopened, and the 2021 Resident Visa reduces outflows of migrant workers. Net migration is forecast to peak at 45,000 in 2023, before settling at our long-term forecast level of 30,000 per annum from 2027 onwards. This reflects that our forecast of steady employment growth projected and an ageing population, we expect sustained positive net migration over the long term, particularly with the aid of favourable work visa conditions.

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Graph 26

International net migration

Infometrics forecast



Regional distribution of migration

Migration is apportioned to territorial authorities using a mix of two approaches. Firstly, historic migration trends are applied to forecast the volume of non-employment-driven migration, such as people moving at retirement. Secondly, forecast labour market shortfalls are used to forecast the volume of employment-driven migration, such as people moving to take up employment opportunities. Employment-driven migration is also adjusted somewhat to account for commuting patterns between districts.

For non-employment-driven migration, we apply the age and gender profile of Stats NZ's subnational net migration projections. For employment-driven migration, we apply a bespoke age and gender profile, based on Stats NZ's projection with adjustment made around older age groups and groups with net negative migration. Analysis of net migration by age reveals that migration flows of persons aged 80 years and older are relatively unresponsive to economic conditions, as this group is generally not involved in the labour market and migration is driven by non-economic factors such as moving closer to family or healthcare. Therefore, we only model employment-driven migration in age groups up to the age of 79 years. We do model migration of children (0-14 years of age) as being responsive to the employment market as this is evident in historic data, which reflects families moving in pursuit of employment opportunities for the parents. For areas which receive additional employment-driven migration, we assume that this is concentrated in age-gender groups with positive migration flows, as we expect a strong labour market would accentuate positive regional labour flows and not extend negative flows.

Labour Market Shortfalls

Labour market shortfalls exist when employers' requirement for labour exceeds the number of workers available at current wage rates. When labour market shortfalls exist in an area, additional labour, and hence population, is attracted to that area.

Infometrics estimates future labour market shortfalls by separately considering the projected supply of labour and the projected demand for labour (as measured by employment) and comparing these two factors.

As the starting point for estimating labour supply, Infometrics makes use of StatsNZ's published population projections by 5-year age group and gender.

45 Far North District population projections – May 2022

Labour force participation rates (LFPRs) by age and gender are projected based on StatsNZ's national labour force projections. In addition, historic LFPRs for each region are analysed to identify their deviation from the national average. This deviation is applied to the national LFPR by age, to project regional LFPR by age. Historic averages for the unemployment rate in each region are analysed and projected forward. Projected LFPR by age is applied to the StatsNZ population projection, and the projected unemployment rate is applied to this, in order to estimate labour supply.

This projection is undertaken for each region or territorial authority, enabling the balance between labour supply and demand (as measured by employment) to be assessed within each labour market area. In periods of insufficient labour supply within a territorial authority or broader regional labour market to meet projected labour demand, the area is projected to receive additional migration.

This additional migration is apportioned to regions or territorial authorities based on their respective share of the national labour market shortfall. At the same time, however, additional migration may be constrained by the Infometrics' international net migration forecast, meaning that a particular region may not necessarily receive sufficient inward migration to entirely eliminate its labour market shortfall.

Similarly, the projected LFPR and unemployment rates are applied to the additional migration, reflecting the fact that it is rarely possible to import only workers – instead these workers often come with family members, who may not necessarily be economically active. Examples in this regard might include stay-at-home parents, children and aged dependents. Furthermore, in some instances, migrants may not immediately gain employment following their move.

Sub-district population

We project sub-district population by considering the current population in each SA2 area, historic trends in each SA2, overall growth of the district, and the development capacity in each SA2 area. This process is carried out through a full cohort-component model for each SA2 area. SA2 areas vary widely in geographic size, but are defined by StatsNZ to have similar populations – 1,000 to 3,000 residents. In Far North District, many SA2 are at the lower-end of this range as they cover vast areas of low population density.

Development capacity

We quantify the projected development capacity of each SA2 area distribution within a region or territorial authority by considering historic settlement patterns and expectations of future residential development activity. This process will include a workshop with council planning and infrastructure staff, gathering predominantly qualitative information and turning this into a quantitative estimate of development capacity and likely uptake for each SA2.

Infrastructure service areas

We will also produce projections for infrastructure service areas, which are in some cases below the resolution of SA2. We will build these up from a combination of SA1 areas which typically consist of 100 to 200 residents. These areas are too small for a full cohort component process, so we will estimate them based on their share of their overarching SA2 area.

46 Far North District population projections – May 2022

Māori ethnicity

We project the population identifying with Māori ethnicity using 2018 Census data and Stats NZ's 2018-base subnational ethnic population projection.

We create the starting point for the Māori projection by taking 2018 Census usually resident population that identifies as Māori in each SA2. We then scale this up to align with the estimated resident population, which is population base used elsewhere in this report. We project the Māori population by applying the Māori population share of each age-sex group from Stats NZ's subnational ethnic population projections to the projected age-sex structure of each SA2.

Household projection

The number of households at SA2 or district level is projected by applying household formation, or Living Arrangement Type Rates (LATR) to the projected population. Stats NZ projects LATR to 2043 from the 2018 Census figures for each territorial authority. These rates reflect localised differences based on local population composition, for example, some non-European ethnic groups exhibit a greater propensity to form multi-generational households, leading to larger household sizes. These projected rates also consider trends such as delayed childbearing, growing numbers of childless couples, decreased rates of single parenting, and improvements in life expectancy which enable older individuals to live independently for longer periods. This means that the LATR used in the projections transitions up to 2043, and then remain constant at 2043 rates up to 2073.

Applying LATR to the population provides an estimate of the number of people in each living arrangement type; this is then translated into the number of households based on expected family structures – for example, couple households consisting of two individuals. For other multi-person households, we follow the standard StatsNZ assumptions, and assume 2.6 persons per household. Projected population figures are accordingly divided by the number of households to project average household size.

The projected household size calculated in these projections varies somewhat from the 2018 Census measures. This is because Census counts are randomly rounded to the nearest multiple of 3, or suppressed entirely, so as to ensure confidentiality of Census respondents. Census outputs such as average household size are however based on actual data, meaning that it is impossible for third parties to precisely replicate these outputs. Projection outputs can also vary from Census measures due to short-term changes such as increased housing occupancy in response to increasing housing costs.

Dwelling projection

We will develop a time-series of dwellings by SA2 by incorporating historic census and building consent data, and projected household growth. We will estimate the historic number of dwellings in each SA2 area by considering the change in dwellings between the 2006, 2013 and 2018 Census, and the number of new dwelling consents issued in the intervening period, allowing for a lag between building consent issuance and dwelling completion. For future periods, we will use the projected change in households to indicate the change in dwellings. This includes the implicit assumption that the number of unoccupied dwellings (such as holiday houses) hold at a steady level into the future.

47 Far North District population projections – May 2022

Classification of unoccupied dwellings has varied across the past two Censuses, which makes it difficult to robustly test this assumption.

6.2 NOTHING BUT NET PROGRAMME UPDATE

File Number: A3728195

Author: Tom Frost, Programme Manager - Nothing But Net

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

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update report on the Nothing But Net work programme in alignment with 2022/23 Annual Plan process to track progress.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Nothing But Net (NBN) is a strategic digital programme delivering creative solutions to address the district's digital divide.
- Council adopted the NBN Far North digital strategy on the 13th of August 2020 and provided resource to deliver on the actions as part of the 2021-31 Long Term Planning process.
- Traditionally, digital inclusion is not a core Council service, however its influence on community wellbeing is such that there is strong evidence that it should be, and the Far North District Council is seen to be a sector leader in this regard.
- NBN has challenged the norm and set the course for our district to embrace technology, with community wellbeing at the core of all decision making.
- The strategic goals range from 'nuts and bolts' community infrastructure issues, through to using technology to support localism, digital literacy, upskilling our digital workforce and ensuring all tamariki have internet in the home.
- We will only achieve these goals by continuing our commitment to collaborate, embracing disruption, being agile and keeping the dialogue alive with our communities and like-minded partners, of which there are many. NBN is a programme people get really excited about.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Nothing But Net Programme Update.

TĀHUHU KŌRERO / BACKGROUND

The Nothing But Net programme is supporting our district's digital future by directly addressing the digital divide. It is solutions based, using connectivity and disruptive technologies to deliver social, economic, environmental, and cultural outcomes.

The project has been based on a commitment to follow co-design methodologies, putting the community at the centre. From stakeholder engagement through to the iterative drafting of the final strategy document and work programme, staff have worked hand in hand with our communities, ensuring everyone is included in our digital transformation journey.

Strategy implementation is supporting step change across the district. NBN now has a dedicated Programme Manager, who works as part of a dedicated team of 3 representing ITC and Community Development. Most Council services are now available online.

The programme follows a community-centric model, working to celebrate the unique strengths we have as a district, collaborating to facilitate the development of a digital skills course delivered with a Te Ao Māori lens and the establishment of digital hubs in rural remote communities. External relationships with community partners and agencies are robust, having been built up over time

through the networks of the project team. Through NBN we are planning for change, adopting a holistic approach to technology and community wellbeing.

Council adopted and provided resource to deliver the NBN Strategy on the 13TH of August 2020 as part of the 2021-31 Long Term Plan. Council also asked that an update report be provided as part of the 2022/23 Annual Plan process, as per the below resolution.

7.3 NOTHING BUT NET FAR NORTH DIGITAL STRATEGY

Agenda item 6.3 document number A2930340, pages 57 - 108 refers.

RESOLUTION 2020/54

Moved: Cr Rachel Smith

Seconded: Cr Moko Tepania

That Council:

- a) adopt the **Nothing But Net Far North Digital Strategy** and commits to delivering on the actions in the plan as part of the 2021-2031 Long Term Plan.
- b) note that a progress update report be provided to the Strategy and Policy Committee, in alignment with the 2022/2023 Annual Plan to track progress.

In Favour: Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Nil

CARRIED

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

- NBN has and continues to be actively involved in the Northland Digital Enablement Group (DEG), which encompasses all 4 councils in Tai Tokerau. We are now the Chair of the Northland DEG and run monthly meetings, with actions and outcomes, provided to the key stakeholders and the Mayoral Forum.
- NBN has also joined organisations such as Digital Equity Coalition of Aotearoa (DECA) and Smart Cities Australia and New Zealand (SSCANZ), so that we can ensure the voice of our region and district is heard at many levels, allowing us to engage and improve connectivity, affordability and the “Smart City” alliances, as well as connections with funding agencies and central government, for example MBIE and CIP.
- The TIF process to deliver Public Wi-Fi in Paihia and Russell has allowed NBN to engage and ensure that the solution delivers and meets the community objectives and creates a template for future public wi-fi initiatives across the district.
- Far North District Council’s Animal Management Officers (AMO) approached the NBN Team to evaluate how technology might assist them in their roles. They provided real world scenarios which led to an outcome led requirements list, focussed on the safety and wellbeing of the AMO team and the communities they serve.

Due to the nature of their work, they are often in locations with very poor or non-existent communications, which can and does put them and the safety of others at risk. Starting with the end user requirements, we suggested several different technologies blended to provide a cohesive and balanced outcome. The technologies are, two-way radio, with man down functionality and well as improved coverage and support from other AMO’s, based on the best radio network in the Northland region.

We will also be installing cellular boosters within their vehicles to improve mobile connectivity, body cameras for evidential and safety requirements, whilst also retaining the current man-down satellite solution.

- We are facilitating a collaboration between Te Kona Digital Hub (Kaikohe), NGN (Whangarei) and Usual Suspects/Rocket Werkz (Dunedin) to develop a digital skills course for youth, delivered with a Te Ao Māori lens. This will provide a pathway to future learning and job placement (NGN currently operates in Whangarei and has an 85% success rate). A focus on

tikanga Māori and pastoral care means students mental, spiritual, and physical wellbeing are cared for.

This project is being funded through our Mayors Taskforce for Jobs Community Recovery funding.

- We have collaborated with Tautoko FM in Mangamuka to access fibre. This is a community-led and co-funded initiative to connect their radio station for online broadcast, provide access to high-speed broadband for their community and establish a youth and digital hub. The hub will also support the growth of a local economy around the walkers of the Te Araroa Trail which runs through the town.
- We have partnered with the Ngawha Innovation and Enterprise Park (NIEP) to build a digital centre of excellence that focusses on skills training and job creation. NIEP provides a destination where people, business and innovation grow hand in hand. This supports the philosophy that both FNDC and NIEP have to work together to create an enabled, educated, environmentally and culturally aware programme of work for the benefit of all. NIEP was funded by the Provincial Growth Fund.
- We are rolling out technology solutions like IoT and wifi that will support data collection, supporting informed, data-driven decisions. Our aim is to have one seamless network across the entire district. This includes assets managed by Far North Holdings Ltd and free public wifi at the Bay of Islands airport will be delivered this year.

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

Nil

ĀPITIHINGA / ATTACHMENTS

Nil

6.3 STRATEGY AND POLICY ACTION SHEET UPDATE JUNE 2022

File Number: A3709878

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Team Leader Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide the Strategy and Policy Committee with an overview of outstanding decisions from 1 January 2020.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Action sheets provide the meeting with oversight of decisions not yet implemented.
- This report and attachment are as at April 2022.
- There are 4 outstanding action sheet items.
- A verbal update on the Action Sheet items will be provided at the meeting at the request of the committee members.

TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee receive the report Action Sheet Update for 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 are a mechanism to communicate with elected members, progress by staff on implementing resolutions of a formal meeting.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

This report includes 13 outstanding items. A majority of the outstanding tasks are multi-facet projects that take longer to fully complete.

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

Staff are encouraged to provide commentary that keeps in mind

- Consistent wording indicating a traffic light, on track off track terminology.
- The date and promise culture that the organisation strives for.

Take Tūtohunga / Reason for the recommendation

To provide the Strategy and Policy Committee with an overview of outstanding committee decisions from 1 January 2020.

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

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

ĀPITIHINGA / ATTACHMENTS

1. SPP Action Sheet - June 2022 - A3733908 [↓](#) 

| OUTSTANDING ACTIONS REPORT | | | |
|----------------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Division: Committee: Strategy and Policy Committee Officer: | | Printed: Monday, 30 May 2022 2:26:29 pm Date From: 1/01/2020 Date To: 30/05/2022 | |
| Meeting | Title | Resolution | Notes |
| Strategy and Policy Committee 15/06/2021 | Speed Limit Bylaw Review Statement of Proposal | RESOLUTION 2021/22 Moved: Cr Kelly Stratford Seconded: Cr Felicity Foy That the Strategy and Policy Committee: a) adopt the attached "Statement of Proposal – Proposed Amendments to the Speed Limits Bylaw 2019" for consultation. b) agrees to undertake consultation on the proposed changes to speed limits set out in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002. c) confirms that the submission period will last for a period of six weeks from 29 th June 2021 to 10 th August 2021. d) authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the attached Statement of Proposal and to approve the final design and layout of the documents prior to final printing and publication. CARRIED | 10 Feb 2022 9:38am Baker, Marlema - Reallocation Action reassigned to Macken, Briar by Baker, Marlema - This action item has been reassigned to you as Caitlin Thomas is no longer with FNDC 15 Feb 2022 4:18pm Andersen, Gayle Analysis of submissions is currently underway by NTA |
| Strategy and Policy Committee 19/10/2021 | Naming Policy Proposal | RESOLUTION 2021/38 Moved: Chair Rachel Smith Seconded: Cr Moko Tepania That the Strategy and Policy Committee recommend that Council agree to develop a new Naming Policy for roads, open spaces, and Council facilities. CARRIED | 02 Dec 2021 11:47am Griffiths, Kirsten Early engagement and research into potential policy options has commenced. A draft naming policy is planned to be prepared by June 2022. 15 Feb 2022 4:33pm Andersen, Gayle Drafting of policy is underway 30 May 2022 1:42pm Baker, Marlema Update pending from Kirsten Griffiths |
| Strategy and Policy Committee 8/02/2022 | Parks and Reserves Policy Development | RESOLUTION 2022/4 Moved: Deputy Mayor Ann Court Seconded: Cr Kelly Stratford | SHEET19 Apr 2022 3:18pm Baker, Marlema A Parks and Reserves Development Report will be presented to the SPC at the May 2022 meeting 30 May 2022 1:45pm Baker, Marlema |

| OUTSTANDING ACTIONS REPORT | | | |
|----------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Division: Committee: Strategy and Policy Committee Officer: | | Printed: Monday, 30 May 2022 2:26:29 pm Date From: 1/01/2020 Date To: 30/05/2022 | |
| Meeting | Title | Resolution | Notes |
| | | <p>That the report Parks and Reserves Policy Development be left to lie on the table to enable staff to consider a reduction to the use of herbicides be captured in the policy.</p> <p style="text-align: right;">CARRIED</p> | The Parks and Reserves Development Report was deferred to the 14 June SPC meeting |
| Strategy and Policy Committee 22/03/2022 | FNDC Speed Limit Reviews - Recommended Speed Limits | <p>RESOLUTION 2022/16 Moved: Cr Moko Tepania Seconded: Cr John Vujcich That the Strategy and Policy Committee recommend that Council: a) receive, in its capacity as a Road Controlling Authority, the attached <i>Regional Speed Limit Review Technical Report – Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach</i> (Attachment 2). b) approves, in its capacity as a Road Controlling Authority, pursuant to Section 22AB(1)(d) of the Land Transport Act 1998, new speed limits set out in the <i>Regional Speed Limit Review - Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach – Recommendations Report</i>, as set out in Attachment 1 c) defers making amendments to the Speed Limits Bylaw 2019 set out in Attachment 1 <i>Regional Speed Limit Review - Kaitāia-Awaroa-Broadwood-Moerewa urban and Te Oneroa-a-Tōhe Ninety Mile Beach – Recommendations Report</i> until signage to make the new speed limits enforceable is installed.</p> <p style="text-align: right;">CARRIED</p> | <p>19 Apr 2022 1:52pm Baker, Marlema Council, at their meeting on 7 April 2022 approved part a) and b) including a recommendation of 40kph speed limit on Otiria Road from Pembroke Street to 113 Otiria Road (220m east of Kingi Road), but amending that the 60kph speed limit on Otiria Road from 113 Otiria Road (220m east of Kingi Road) extend to the intersection of Pokapu Road. Deferred part c) until signage to make new speed limits enforceable is installed.</p> |
| Strategy and Policy Committee 3/05/2022 | Parking Bylaw - Recommendations for making new bylaw | <p>The amendments became the substantive motion. RESOLUTION 2022/25 Moved: Cr Kelly Stratford Seconded: Cr Dave Collard That the Strategy and Policy Committee recommend that Council: a) approves, the recommendations in the staff report on submissions to the Parking Bylaw that:</p> | <p>30 May 2022 2:23pm Baker, Marlema Approved by resolution at the Council meeting held 19 May 2022</p> |

| OUTSTANDING ACTIONS REPORT | | | |
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| Division: Committee: Strategy and Policy Committee Officer: | | Printed: Monday, 30 May 2022 2:26:29 pm Date From: 1/01/2020 Date To: 30/05/2022 | |
| Meeting | Title | Resolution | Notes |
| | | i) No changes are made to clauses 1, 3, 11, 19, 21 and 22 ii) Clauses 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 20 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report <i>Analysis of Submissions – Parking</i> in attachment 1 iii) Schedule 1 is amended to extend the bus stop at the end of Kerikeri Road b) make the Parking Bylaw in attachments 3 to 8 under section 22AB of the Land Transport Act 1998. c) approve, to revoke the Parking and Traffic Control Bylaw on the same day the Parking Bylaw comes into force. d) Request that the next opportunity to review the bylaw, incorporate the following points: <ol style="list-style-type: none"> remove “NO PARKING or STANDING” at all times from community building at Te Pokapu; include Mobility (disabled parking) and other time limited parking in the local road portion of 71 Gillies Street, Kawakawa and the BOI Vintage Railway Station; include off road parking at Te Hononga, Kawakawa. Waipapa Loop Road. Parklets. Kaikohe-Hokianga. e) Note that; <ol style="list-style-type: none"> staff are working on scheduling a workshop for further discussion (including enforcement) input will be sought from Community Boards to ensure community feedback can be incorporated. <i>Further amendments can be submitted through Community Boards or workshop to be finalised within a four-month period</i> | |

| OUTSTANDING ACTIONS REPORT | | | |
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| Division: Committee: Strategy and Policy Committee Officer: | | Printed: Monday, 30 May 2022 2:26:29 pm Date From: 1/01/2020 Date To: 30/05/2022 | |
| Meeting | Title | Resolution | Notes |
| | | CARRIED | |
| Strategy and Policy Committee 3/05/2022 | Road Use Bylaw - Recommendations for making new bylaw | RESOLUTION 2022/26 Moved: Deputy Mayor Ann Court Seconded: Cr Kelly Stratford That the Strategy and Policy Committee recommend that the Council: a) Approve the recommendations in the report on submissions to the Road Use Bylaw (Attachment 1) that: i) The bylaw be made pursuant to both the Local Government Act 2002 and the Land Transport Act 1998. ii) No changes are made to clauses 1, 5, 6, 7, 25, 26, 29, 31, 32, 33, 37, 38, and Schedule 1. iii) Clauses 2, 3, 4, 8, 9, 12, 13, 14, 16, 19, 20, 21, 23, 24, 27, 34, 36, and Schedule 4 are amended to improve certainty and clarity as per the recommendations in section 4.1 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1. iv) Clauses 10, 11, 15, 17, 18, 22, 28, 30, and 35 are amended to improve certainty and clarity as per the recommendations in section 4.3 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1. v) Schedules 2 and 3 are amended to improve certainty and clarity as per the recommendations in section 4.4 of the staff report Road Use Bylaw – Analysis of Submissions in attachment 1. b) Approve the recommendations in the report on submissions to the inclusion of provisions regulating vehicles on beaches in the Road Use Bylaw (Attachment 2) that: i) No changes are made to clauses 6, 30, 32, 33, 34, 41, and 43, and Schedules 6 and 7. | 30 May 2022 2:24pm Baker, Marlema Approved by resolution at the Council meeting held 19 May 2022 |

| OUTSTANDING ACTIONS REPORT | | | |
|----------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Division: Committee: Strategy and Policy Committee Officer: | | Printed: Monday, 30 May 2022 2:26:29 pm Date From: 1/01/2020 Date To: 30/05/2022 | |
| Meeting | Title | Resolution | Notes |
| | | ii) Clause 31 is amended to improve certainty and clarity as per the recommendations in section 4.2 of the staff report Vehicles on Beaches – Analysis of Submissions in attachment 2. c) Approve the Road Use Bylaw in attachment 3: i) is the most appropriate form of bylaw; and ii) the bylaw provisions are considered reasonable limits on the rights in the New Zealand Bill of Rights Act 1990. d) Make the Road Use Bylaw in attachment 3 pursuant to sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998. e) Approve to revoke the Parking and Traffic Control Bylaw 2010 on the same day the Road Use Bylaw comes into force. CARRIED | |
| Strategy and Policy Committee 3/05/2022 | New Easter Sunday Shop Trading Policy Consultation | RESOLUTION 2022/22 Moved: Cr Kelly Stratford Seconded: Member Belinda Ward That the Strategy and Policy Committee: a) approves the Statement of Proposal for a new Easter Sunday Shop Trading Policy in Attachment 1 to be released for public consultation to meet the requirements of section 5B(1) of the Shop Trading Hours Act 1990; b) approves the period for making written submissions on the proposal to be 9 May to 10 June 2022; c) approves that the Committee will hear any oral submissions on 14 June 2022 and agrees to delegate, to the Chair, the power to change the date of the oral presentations of submissions; d) directs Council staff to make all necessary logistical arrangements for oral submissions to be heard, on 14 June | 30 May 2022 2:04pm Baker, Marlema At the Council meeting held 24 Feb 2022 Council resolved to: g) approve, pursuant to section 5A of the Shop Trading Hours Act 1990, a new Easter Sunday Trading Policy be developed allowing shops to open on Easter Sunday across the whole of the Far North District. Further update pending SPC hearing oral submissions on the 14th June 2022 |

| OUTSTANDING ACTIONS REPORT | | | |
|----------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Division: Committee: Officer: | | Strategy and Policy Committee | |
| | | Printed: Monday, 30 May 2022 2:26:29 pm | |
| | | Date From: 1/01/2020 | |
| | | Date To: 30/05/2022 | |
| Meeting | Title | Resolution | Notes |
| | | 2022, either in person in the Council Chambers or online via Microsoft Teams. CARRIED | |
| Strategy and Policy Committee 3/05/2022 | Climate Change Policy Options Report | RESOLUTION 2022/23 Moved: Cr John Vujcich Seconded: Cr Kelly Stratford That the Strategy and Policy Committee recommends that Council approves the development of a climate change policy. CARRIED | 30 May 2022 2:13pm Baker, Marlema Council approved, by resolution, the development of a Climate Change Policy at the meeting held 19 May 2022 |

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE