



**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 - Kaitaia.		
	Elbury Holdings Limited	This company is directed by my parents Fiona and Kevin King.	This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			dwellings are 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-lwi o Ngāpuhi	As a descendent of Te Rūnanga ā-lwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-lwi 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.

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.

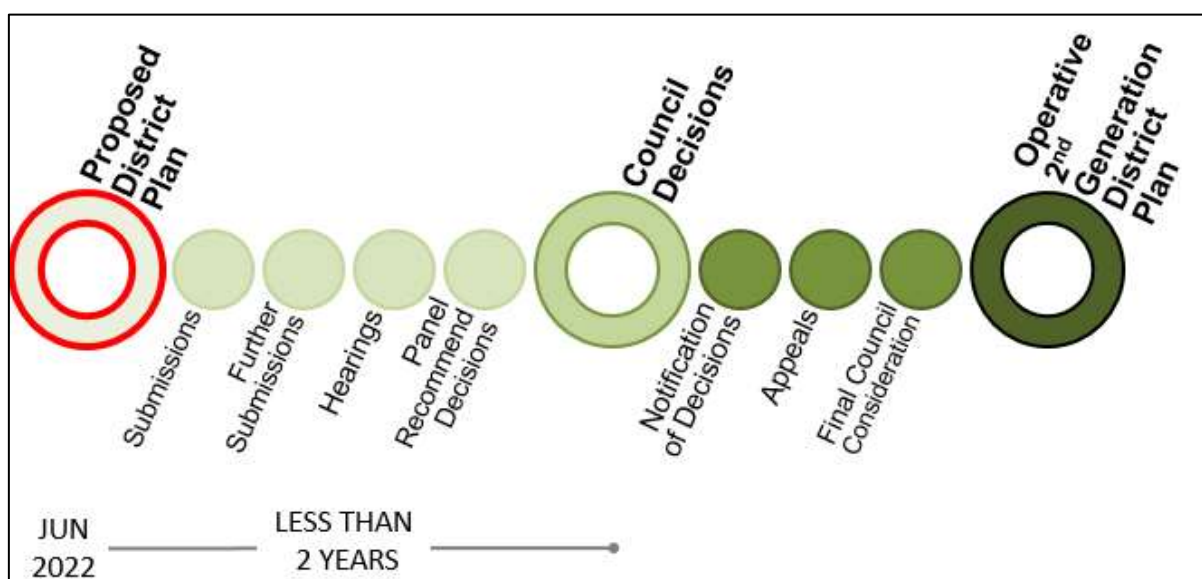
14. **Option 1** publicly notify the Proposed District Plan for public submissions, is considered the most appropriate option for the following reasons:

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.

ĀPITIHINGA / 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.

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.

ĀPITIHINGA / 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>

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

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.

WHAKARĀPOPOTO 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.

ĀPITIHINGA / 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
<p>State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy</p>	<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>
<p>State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.</p>	<p>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.</p>
<p>State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.</p>	<p>The policy has District wide relevance. The views of the Community Boards were considered during a workshop held with elected members.</p>
<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>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>

<p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p>	<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>
<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>	<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>
<p>State the financial implications and where budgetary provisions have been made to support this decision.</p>	<p>The cost of the policy development is covered by current operational budgets.</p>
<p>Chief Financial Officer review.</p>	<p>This report has not been reviewed by the Chief Financial Officer</p>

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.

WHAKARĀPOPOTO 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.

ĀPITIHINGA / 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

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.

WHAKARĀPOPOTO 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, is in 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.

ĀPITIHINGA / 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.

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.

WHAKARĀPOPOTO 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 Brunson 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.

ĀPITIHINGA / ATTACHMENTS

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

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** [↓](#) 

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE