



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Regulatory Compliance Committee Meeting

Thursday, 30 July 2020

Time: 1:00 pm
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

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

 Far North District Council <i>Te Kaitiaki o Tai Tokerau ki te Raki</i>	Authorising Body	Mayor/Council
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Regulatory Compliance Committee Terms of Reference
	Approval Date	19 December 2019
	Responsible Officer	Chief Executive

Purpose

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

The Committee will have functional responsibility for the following aspects:

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

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

Delegations

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

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

Power to Delegate

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

Membership

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

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

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

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

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

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

Cr Kelly Stratford – Chairperson

Cr Dave Collard – Deputy Chairperson

Mayor - John Carter

Deputy Mayor - Ann Court

Cr David Clendon

Cr Rachel Smith

Cr John Vujcich

Member Belinda Ward – Bay of Islands-Whangaroa Community Board Chair

Member Adele Gardner – Te Hiku Community Board Chair

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

Quorum - Committee

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

Frequency of Meetings

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

Committees Responsibilities

The Committees responsibilities are described below:

Hearings, Objections and Appeals

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

Regulatory Activities

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

Policies and Bylaws

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

Compliance

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

Mana Whakahono-ā-Rohe (Mana Whakahono)

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

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

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

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

Public Works Act 1981

Public work requirements.

Local Government Act 2002

Objections against the construction of public works on private land.

Local Government Act 1974

Objections and appeals to road stopping proposals.

Fencing of Swimming Pools Act 1987

Applications for exemption, waiver or compliance.

Delegated decisions

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

Dog Control Act 1996

Objections.

Gambling Act 2003, Health Act 1956 and Building Act 2004

Hearings, objections and related matters.

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

Rules and Procedures

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

Annual reporting

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

REGULATORY COMPLIANCE COMMITTEE - MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Kelly Stratford (Chair)	KS Bookkeeping and Administration	Business Owner, provides 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
	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
Kelly Stratford - Partner	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest I would step aside from decision making
David Collard (Deputy Chair)	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
David Clendon	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	Top Energy	Supplies my power		No other interest greater than the public's
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	Crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.
	Ann Court Trust	Private	Private	N/A
	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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
Rachel Smith	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
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

Name	Responsibility Chairperson etc) (i.e.	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	Kaikohe Business Association	Possible funding provider	Declare a Conflict of Interest

Far North District Council
Regulatory Compliance Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Thursday 30 July 2020 at 1:00 pm

Order Of Business

1	Karakia Timatanga – Opening Prayer.....	13
2	Apologies and Declarations of Interest.....	13
3	Deputation.....	13
4	Confirmation of Previous Minutes.....	14
	4.1 Confirmation of Previous Minutes.....	14
5	Information Reports.....	19
	5.1 BCA Regulatory Compliance Update	19
	5.2 Update on Annual Report for Dog Control Policy and Practices 2018/2019.....	21
	5.3 Environmental Management: Food Licencing Update	28
	5.4 Regulatory Compliance Committee Update - Resource Consents.....	32
	5.5 Update on Legislative Changes introduced by the Resource Management Amendment Act 2020.....	39
6	Public Excluded	45
	6.1 Confirmation of Previous Minutes - Public Excluded	45
7	Karakia Whakamutunga – Closing Prayer.....	46
8	Meeting Close	46

1 KARAKIA TIMATANGA – OPENING PRAYER

Whakataka te hau ki te uru,	Get ready for the westerly
Whakataka te hau ki te tonga.	And be prepared for the southerly.
Kia mākinakina ki uta,	It will be icy cold inland,
Kia mātaratara ki tai.	And icy cold on the shore.
E hī ake ana te atākura he tio,	May the dawn rise red-tipped on ice,
he huka, he hauhunga.	On snow, on frost.
Haumi e! Hui e! Tāiki e!	Join! Gather! Intertwine!

2 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 DEPUTATION

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

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A2858162

Author: Marlema Baker, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

PURPOSE OF THE REPORT

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

RECOMMENDATION

That the Regulatory Compliance Committee confirms that the minutes of the meeting of the Committee held 11 February 2020 are a true and correct record.

1) BACKGROUND

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

2) DISCUSSION AND OPTIONS

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

Reason for the recommendation

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

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

ATTACHMENTS

- 1. 2020-02-11 Regulatory Compliance Committee Unconfirmed Minutes PDF - A2852519** [↓](#)



Compliance schedule:

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

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

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

**MINUTES OF FAR NORTH DISTRICT COUNCIL
REGULATORY COMPLIANCE COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 11 FEBRUARY 2020 AT 1.00 PM**

PRESENT: Cr Kelly Stratford, Mayor John Carter (HWTM), Cr Dave Collard, Cr David Clendon, Cr Ann Court, Cr Rachel Smith, Cr John Vujcich

1 KARAKIA TIMATANGA – OPENING PRAYER

Cr Stratford – Chairperson, opened the meeting with a karakia.

2 APOLOGIES AND DECLARATIONS OF INTEREST

APOLOGY

COMMITTEE RESOLUTION 2020/1

Moved: Cr John Vujcich

Seconded: Cr Dave Collard

That the apology received from Cr Clendon and apologies for lateness received from Mayor John Carter and Chief Executive Shaun Clarke be accepted and leave of absence granted.

CARRIED

3 DEPUTATION

Bob Drey representing Russell Protection Society Inc spoke regarding the issue of helicopter activity in the district. (Tabled document A2850117)

4 INFORMATION REPORTS

4.1 BUILDING CONSENTS AUTHORITY REGULATORY COMPLIANCE UPDATE

Agenda item 3.1 document number A2826401, pages 10 - 13 refers.

Dean Myburgh (General Manager – District Services) and Trent Blakeman (Manager – Building Consents) spoke to this report.

COMMITTEE RESOLUTION 2020/2

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

That the Regulatory Compliance Committee receives the report Building Consents Authority Regulatory Compliance Update.

CARRIED

4.2 RESOURCE CONSENTS PROCESS RENOVATION PROJECT UPDATE (VISION 20/20)

Agenda item 3.2 document number A2826865, pages 14 - 15 refers.

Dean Myburgh (General Manager – District Services) and Katie Waiti-Dennis (Special Projects – Environmental Services) spoke to this report.

COMMITTEE RESOLUTION 2020/3

Moved: Cr Kelly Stratford

Seconded: Cr Dave Collard

That the Regulatory Compliance Committee receive the report Resource Consents Process Renovation Project Update (Vision 20/20).

CARRIED

4.3 STRATEGIC CUSTOMER COMPLIANCE FRAMEWORK

Agenda item 3.3 document number A2828119, pages 16 - 18 refers.

Dean Myburgh (General Manager – District Services) spoke to this report.

COMMITTEE RESOLUTION 2020/4

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

That the Regulatory Compliance Committee receive the report Strategic Customer Compliance Framework.

CARRIED

5 PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC****COMMITTEE RESOLUTION 2020/5**

Moved: Cr John Vujcich

Seconded: Cr Ann Court

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
5.1 - Progress Report - Negotiations to Purchase of Melka Kennel to deliver Council's Southern Animal Shelter	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(h) - the withholding of the information is necessary to enable Council to carry out,	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

Regulatory Compliance Committee Meeting Minutes **Unconfirmed**

11 February 2020

	without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
CARRIED		

COMMITTEE RESOLUTION 2020/6

Moved: Cr Dave Collard

Seconded: Cr Ann Court

That Regulatory Compliance Committee moves out of Closed Regulatory Compliance Committee into Open Regulatory Compliance Committee.

CARRIED**6 CONFIRMATION OF INFORMATION AND DECISIONS IN OPEN MEETINGS****COMMITTEE RESOLUTION 2020/7**

Moved: Cr Kelly Stratford

Seconded: Cr John Vujcich

That the Regulatory Compliance Committee confirms that the information and decisions contained in the part of the meeting held with the public excluded is not to be restated in public meeting.

CARRIED**7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Cr Stratford – Chairperson, closed the meeting with a karakia.

8 MEETING CLOSE

The meeting closed at 2:55 pm.

The minutes of this meeting will be confirmed at the Regulatory Compliance Committee Meeting to be held on 24 March 2020.

.....
CHAIRPERSON

5 INFORMATION REPORTS

5.1 BCA REGULATORY COMPLIANCE UPDATE

File Number: A2917374

Author: Trent Blakeman, Manager - Building Services

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To provide the Regulatory Compliance Committee with an update on the current state of the Building Consents Authority's compliance with the statutory time frames relating to compliance with the Building (Accreditation of Building Consent Authorities) Regulations 2006 (the Regulations).

EXECUTIVE SUMMARY

The Building Consents Authority (BCA) has remained operational through the COVID-19 lock down (three and four) and has been working both in the office and remotely. The compliance rates for both code compliance certificates and building consents were negatively impacted during the last quarter. This was largely due to the BCA systems not being set up to run remotely.

For the last Quarter during lock down the BCA was still able to process and issue 287 consents, but unfortunately, 17 were over the 20-day period. The BCA is currently in the process of returning all staff to the office in preparation for the upcoming International Accreditation NZ (IANZ) Audit, scheduled for October 2020r.

The BCA is currently using the E-Pathway platform for inspections and progress is tracking well. A few process improvements are being implemented to further streamline the inspection experience.

The new E-Pathway portal will soon be tested and a rollout date will be confirmed within 6 weeks, subject to all going well.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report Building Consents Authority (BCA) Regulatory Compliance Update.

BACKGROUND

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

One of the metrics used to measure the performance of the BCA function is its ability to perform certain tasks within a statutory time frame (20 days). This is one of the few metrics that can be measured without the need for Audit. The timeframes relate to processing of Building Consents and issue of Code Compliance Certificates (CCC's).

The abovementioned metrics are currently measured using the Business Intelligence system (BI). Extracts from the BI system will be used as part of a Powerpoint presentation to update the Committee on the most up to date BCA performance / compliance metrics.

DISCUSSION AND NEXT STEPS

In the short-term, the focus for the BCA is the return to 100% on both building consents and code compliance certificates as well as the roll out of the E-Pathway portal via online services.

The challenge for the medium-term is the completion of a positive IANZ audit and the return to the two-year audit period.

The long-term goal is the nurturing of a sound BCA competence base and put in place a capacity resourcing model that has depth and that will ensure that the BCA can achieve the 20-day time frame; this while operating in compliance with the 2006 regulations and accommodating staff movements without negative impacts.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications attached to this report

ATTACHMENTS

Nil

5.2 UPDATE ON ANNUAL REPORT FOR DOG CONTROL POLICY AND PRACTICES 2018/2019

File Number: A2915683

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

That the Committee notes the update as an information report.

EXECUTIVE SUMMARY

Section 10A of the Dog Control Act 1996 requires each territorial authority to report on its dog control policy and practices and provide specific statistical information. The attached report acts as a medium for this information, and an update on the progress and processes of the Far North District Council Animal Management services. The attached report was submitted to the Department of Internal Affairs as required.

This update summarises the section 10A reporting requirements and is for noting only.

RECOMMENDATION

That the Regulatory Compliance Committee notes the report Update on Annual Report for Dog Control Policy and Practices 2018/2019 as an Information Report.

BACKGROUND

The Dog Control Act 1996 requires all territorial authorities to report annually to the Department of Internal Affairs on their dog control activity. The information assists central government to assess national trends and developments. This requirement below came into place through the Dog Control Amendment Act 2003, which came into force on the 01 December 2003:

10A Territorial authority must report on dog control policy and practices

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
 - a) its dog control policy adopted under section 10; and
 - b) its dog control practices.
- (2) The report must include, in respect of each financial year, information relating to—
 - a) the number of registered dogs in the territorial authority district:
 - b) the number of probationary owners and disqualified owners in the territorial authority district:
 - c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:
 - d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:
 - e) the number of infringement notices issued by the territorial authority:
 - f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:
 - g) the number of prosecutions taken by the territorial authority under this Act.

- (3) The territorial authority must give public notice of the report—
- a) by means of a notice published in—
 - i. 1 or more daily newspapers circulating in the territorial authority district; or
 - ii. 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
 - b) by any means that the territorial authority thinks desirable in the circumstances.
- (4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.

DISCUSSION AND NEXT STEPS

1. Dog Control Policy and Practices

The new Dog Management Policy and Bylaws came into effect February 2019 and outlines the Council's requirements regarding controlling dogs. Key objectives of the policy are:

- Prevent injury, distress and nuisance from dogs
- Identify dog access areas
- Provide for the neutering of menacing dogs
- Minimise potential danger or distress to protected wildlife
- Promote responsible dog ownership

2. Dog Control Practices

All Dog Control functions are carried out in-house which includes field and shelter services. FNDC have a total of ten Animal Management Officers, including a Team Leader and a Senior Animal Management Officer. The Animal Management department responds to all complaints from the public concerning dog behaviour and has categorised those complaints into 'aggressive' and 'non-aggressive'. All aggressive concerns are investigated and actioned according to the Councils 'Enforcement Action' procedures and performance measures.

Registration

There were 11,060 dogs registered for the 2018/2019 financial year.

Officers have focused on specific areas for non-compliance involving door to door checks.

Council maintained the dog registration fees from the 2017/2018 financial year.

Requests for Service

The Requests for Service (RFS), received though the year relate to straying, barking dogs, aggressive behaviour (rushing) and dog attacks and bylaw breaches. There were a total of 2165 RFS for the 2018/2019 period. Of these there were 223 RFS received for dog attacks.

Menacing and Dangerous Dogs

There is a total of 224 classified menacing dogs in the Far North District. 199 of these classifications are under Section 33C (menacing breed or type under schedule 4 of the Dog Control Act 1996), with all dogs being of American Pitbull Terrier type. The remaining 25 dogs have been classified menacing due to observed or reported behaviour. This number includes seven dogs newly classified in 2018/2019.

The amended Dog Control Management Policy 2018 now requires all dogs classified as Menacing to be neutered before release from being impounded. There is one classified dangerous dog in the district, which is based on sworn evidence.

Disqualified and Probationary Owners

There are no disqualified or probationary owners in the Far North District

Prosecutions

There were 14 successful prosecutions taken by Council in 2018/2019. This is ten more than the previous year and is reflective of the higher number of dog attacks reported to Council.

Infringements

A total of 233 infringement notices were issued by Animal Management Officers in the 2018/2019 period. 150 of these are for dog owners having an unregistered dog.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial or other resource implications in regard to this report.

ATTACHMENTS

1. 2018-2019 Section 10A Report - A2915665 [↓](#) 

Section 10A Report – 2018/19**Dog Control Policy and Practices****1. Dog Control in the Far North District**

The Far North District Councils Dog Control Policy and Bylaws 2006 were successfully reviewed and amended following intensive community engagement. The new Dog Management Policy and Bylaws 2018 came into effect 4 February 2019 and included new rules for managing dogs in the Far North District which were designed to balance the safety of people, wildlife and other animals while catering for the recreational needs of dogs and their owners.

The Key changes included:

- Seasonal restrictions at popular beaches requiring dogs to be on leash between the hours of 10am and 5pm from 15 December to 31 January and including public holidays
- Dogs being required on-leash on reserves, unless otherwise stated
- Dogs being allowed off-leash on Council-owned and controlled sportsgrounds (provided they are under control). When these grounds are being used for sports, dogs must be on-leash
- Five off-leash and under control areas have been identified across Kerikeri and Kaikohe
- Dog owners will no longer require Council permission to have more than two dogs per property in built-up areas
- Promotion of responsible dog ownership.

Fees and charges are reviewed annually and set by resolution of Council. The fees and charges are in line with Councils funding policies and have regard to responsible dog ownership by way of providing discounted fees for registration compliance along with minimal impounding fees for first time offenders. In contrast the fees and charges for non-compliance and continual offending are set at a level that best reflects the actual costs.

Council provides dog owners with information that may assist them to further meet their obligations as a dog owner. Council officers are active in public education through community events and seminars that focus on safe practices around dogs and the general understanding of dogs with the view of increasing the awareness and understanding of dog behaviour.

The Animal Management department responds to all complaints from the public concerning dog behaviour and has categorised those complaints into 'aggressive' and 'non-aggressive'. All aggressive concerns are investigated and actioned according to the Councils 'Enforcement Action' procedures and performance measures. Where necessary the provisions of the Act are applied.

The Council operates closely with the SPCA organisation and assists and supports where possible. Dogs impounded are gauged as suitable for re-homing by undergoing an SPCA guided behaviour assessment program.

Council also introduced two new Facebook initiatives that promote dogs assessed as suitable for adoption called "Adopt-a-Dog" and an "Is This Your Dog" page that advertises dogs impounded where owners of those dogs are unknown

A key community stakeholder in the Animal Management operations are the local and national dog rescue groups with the Bay of Islands Rescue Group prominently featuring as an active

A2874016

and mutual partner during the 2018-19 year. The Council looks forward to a continued beneficial partnership.

Due to the overwhelming community support of Councils 'dog days' or Nga Kuri Auau Council have committed to holding this community based program. The program involves Council offering free micro-chipping, free neutering via voucher re-demption and free registration with the 2018-19 event held in the town of Moerewa resulting in 123 dog neutering vouchers redeemed which was a 66% uptake.

2. Dog Control Enforcement Practices

Following the adoption of the Dog Management Policy and Bylaws in February of 2019 Council have undertaken to install a wider range of signage across the district to better inform the community.

Recently Council erected 67 new or replacement signs as tranche 1 of the implementation plan with almost 100 signs across the district planned for September 2019. Our district has never before had this many signs across the district providing this type of information

Council apply a fair and reasonable approach to enforcement of the regulations and laws and will apply the appropriate enforcement where necessary including the issuing of infringement notices and prosecutions. The 2018-19 year saw prosecutions also lodged for dogs not under control.

The number of reported attacks increased which reflects the communities' belief in Councils Animal Management services that in turn is further reflected in the number of prosecutions taken for dog attacks – 10 more than we did last year for dog attacks years. An overall total of 14 successful prosecutions.

3. Dogs Prohibited, Leash Only and Dog Exercise Areas

The amended Dog Control Policy and Bylaws have proven to be successful with dog owners enjoying a wider freedom of dog exercise zones where dogs can be off leash but under control.

Signage and education will be applied where required with the appropriate enforcement administered following investigation into non-compliance.

4. Dog Registration and other Fees

Council maintained the dog registration fees from the previous year and offered free registration for dog owners attending the Nga Kuri Auau days.

Animal Management Officers also focused on specific areas for registration non-compliance involving door to door checks. This process involves notices issued to register dogs with Infringement follow up where applicable. Dogs were also seized where necessary.

5. Dog Education and Dog Obedience courses

The 2018-19 year saw Council engage in 8 Community Awareness programs ranging from Expos offering public education to school book sponsorship of safety information around dogs

A2874016

6. Disqualified and Probationary Dog Owners

Council will disqualify owners of dogs where they are satisfied that the circumstances of the offence warrant disqualification. Most commonly dog owners will consider disqualification following a conviction for a dog attack.

7. Menacing and Dangerous Dogs

Council will classify dogs as menacing or dangerous where they are satisfied that the classification is warranted. Most commonly dogs are classified as Menacing for both deed and breed.

The amended Dog Control Management Policy 2018 now requires all dogs classified as Menacing to be neutered before release from being impounded.

8. Other Information

The Animal Management operation identified areas of process improvement with the Dog Shelters resulting in passed SPCA audits for animal welfare and process

Part of that process improvement is the regular dog behaviour assessments that have resulted in a high percentage of dogs impounded being either adopted to new owners or transferred to rescue groups for future forever homes.

A2874016

Statistical Information

Far North District Council		Year 01-07-18 to 31-06-19
# Registered Dogs		11,060 (Total number of dogs on our register)
# Probationary Owners		0
# Disqualified Owners		0
# Dangerous Dog Classifications total		1
• Upon conviction		0
• Based on sworn evidence		1
• Owner admittance		0
# Menacing Classifications S33A Total		25 (Includes 7 new dogs classified during 2018/19)
• Not previously classified as dangerous		0
• Observed or reported behavior		25 (Includes 7 new dogs classified during 2018/19)
• Behaviours typically associated with dogs breed or type		0
# Menacing Classifications S33C total		199
• Brazilian Fila		0
• Dogo Argentino		0
• Japanese Tosa		0
• Perro de Presa Canario		0
• American Pit Bull Terrier type		199
# Infringement notices issued		233
• Allow dangerous dog un-muzzled / 62(4)		0
• Fail to comply with Bylaw / 20(5)		29
• Failure to keep dog controlled or confined / 52A		11
• Failure to keep dog under control / 53(1)		40
• Failure to register dog / 42		150
• Failure to supply or providing false info / 19A(2)		
• Wilful obstruction of a Dog Control Officer/18		1
• Failure to comply with a barking dog abatement notice		0
• Failure to comply with classification of menacing dog		1
# Dog related complaints received total		2165
• Attacks		223
• Straying		580
• Rushing		80
• Barking		349
• Other		473
# Prosecutions taken		14

5.3 ENVIRONMENTAL MANAGEMENT: FOOD LICENCING UPDATE

File Number: A2916751

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

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

- The number of premises registered
- The number of food verifications completed
- The number of complaints received, and enforcement action taken

EXECUTIVE SUMMARY

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

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

RECOMMENDATION

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

BACKGROUND

The Ministry for Primary Industries have independently assessed staff at the Far North District Council and confirmed technical, legislative, verification and quality management system competencies to provide verification services in the following areas:

Template Food Control Plans

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

National Programme 1

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

National Programme 2

Manufacture:

- Bread, fruit loaves, bagels pita bread etc.
- Cereals, biscuits and crackers

National Programme 3

- Brew, distil, manufacture alcoholic beverages (not including wine), vinegar or malt extract
- Manufacture non-alcoholic beverages

- Crisps, popcorn and other snack foods
- Peanut butter, jams, pickles and chutneys
- Confectionery, chocolate and icing
- Ice, iced confectionery and iced desserts
- Frozen, dried or dehydrated fruits and vegetables

Sell:

- Chilled or frozen foods

Process:

- Nuts and seeds

Serve:

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

- Manufacture oils or fats (other than butter) for human consumption
- Process grain (includes milling, malting rolling and roasting)
- Handle food for retail (includes scooping ice cream and reheating manufacture prepared food)
- Process herbs or spices (includes loose tea)
- Manufacture dry mix products (includes cake mixes, powdered desserts, drinks, flavourings and soups)

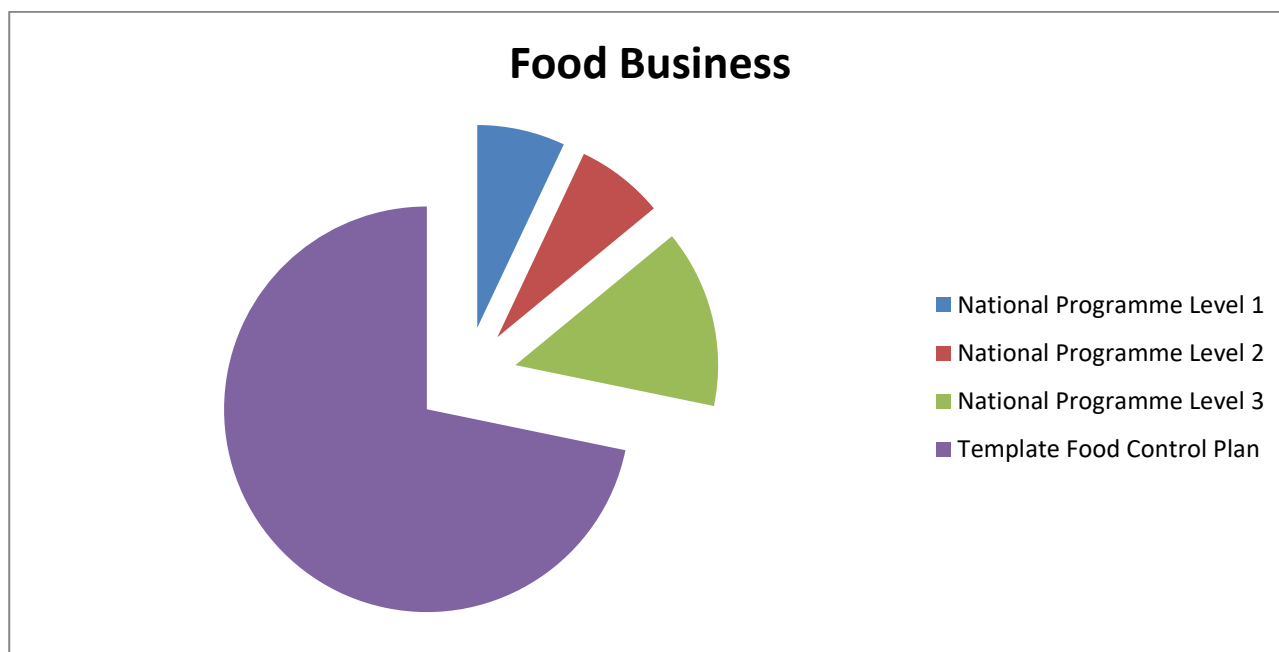
There are currently four qualified Environmental Health Officer's covering the Far North District.

DISCUSSION AND NEXT STEPS

1. Number of registered premises

There are currently 438 registered premises in the district. Of these premises 294 are registered under a Template Food Control Plan (FCP), 36 registered under a National Programme 1 (NP1), 37 registered under a National Programme 2 (NP2) and 71 registered under a National Programme 3 (NP3).

An operator is required to renew their registration depending on the type of registration they hold. For Food Control Plans this is annual and National Program requires renewal every 2 years.



2. The number of food verifications completed

Between 1 July 2019 – 30 June 2020 a total of 308 verifications have been completed by the Environmental Health Services team; 262 of these verifications had an “acceptable outcome” and 46 of these verifications had an “unacceptable outcome”.

There were no food verifications carried out during the lock down period level four and three. Verifications resumed on 26 May 2020 when in level two.

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

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

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

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

3. Number of complaints received and enforcement action

Between 1 July 2019 – 1 July 2020 the following types of complaints were received via the Request for Service platform:

Type of Complaint	Total Received
Complaint regarding premises staff	1
EHO behaviour	2
Food Poisoning	3
Hygiene issues with premises	18
Labelling of product	2
No drinking water available	1
Operating during lock down	2
Sale of expired product	4
Unregistered operator	19
Water quality issues	2
Total Number of Complaints Received	54

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

No enforcement action has been taken. The Environmental Health Services team actively work with the operators to achieve positive outcomes.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial or other resource implications in regard to this report.

ATTACHMENTS

Nil

5.4 REGULATORY COMPLIANCE COMMITTEE UPDATE - RESOURCE CONSENTS**File Number: A2916957****Author: Rochelle Deane, Manager - Environmental Service****Authoriser: Dean Myburgh, General Manager - District Services****PURPOSE OF THE REPORT**

To provide an update to the committee on Resource Consents.

The report covers:

- The number of Resource Consent Applications received
- Environmental Court Issues
- The number of s92 (requests for further information)
- The number of s37 (extensions of time)
- The number of s88 (applications rejected)
- Status of discounts
- Vision 20/20 update
- Report on implementation of regulatory matters arising from Mana Whakahono-ā-rohe under RMA Management

EXECUTIVE SUMMARY

Processing an application within the time frames set by the RMA is vital. The onus is on councils to make sure time limits are met, which is particularly important considering the Discount Regulations. In addition, there is also a requirement to ensure that any process is timely, efficient, consistent and cost effective to 'avoid unreasonable delay'.

There has been a significant increase in the number of consents processed within the statutory timeframes by the Resource Consent team over the past year. This has been achieved by a combination of processing improvements, the filling of internal vacancies and better management of external consultants. Most of all, there is a commitment within the team to ensure that the statutory requirements are met.

Planners each process between 6 and 12 consents at any one time. These can be at various stages of the processing cycle i.e. some are newly allocated, some are active, others are on s92 (request for further information) or s37 (power of waiver and extension of time limits) and others are being reviewed for sign off.

Some Consents are allocated to Consultant Planners in order to meet statutory processing timeframes and in cases where there is a Council conflict of interest with the application. At any one time there may be between 20-30 consents being processed by consultant planners.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report Regulatory Compliance Committee Update - Resource Consents.

BACKGROUND

In 2019 the Council received notice from the Minister for the Environment advising that the Far North District Council were not meeting their statutory requirements under the Resource Management Act.

A Project named *Vision 20/20* was launched to improve efficiencies and effectiveness of the resource consent process from end to end. This project has helped to lift the profile of resource consents and is one of the driving forces to process applications on time. This project has been undertaken while filling internal vacancies and addressing the better management of external consultants. Most of all, there is a commitment within the team to ensure that the statutory requirements are met.

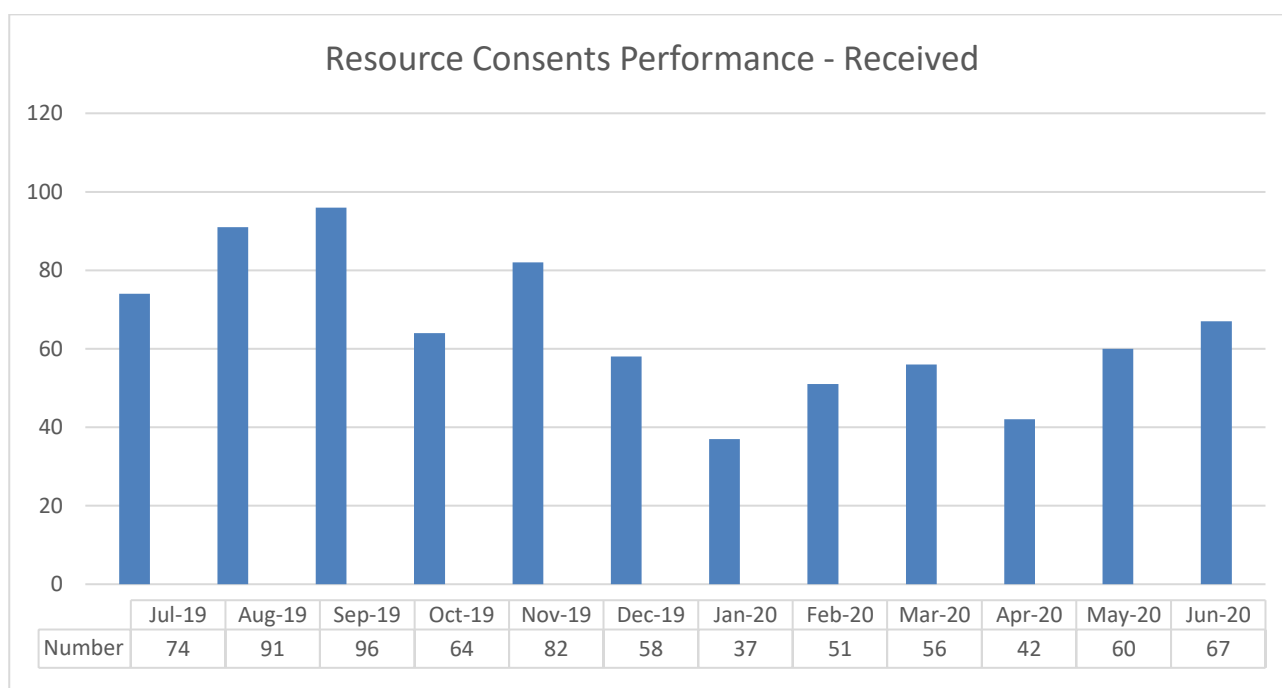
The Resource Consents Team expects to reach statutory time frames consistently following the *Vision 2020* process improvements to the Pathway system.

DISCUSSION AND NEXT STEPS

Number of Resource Applications Received

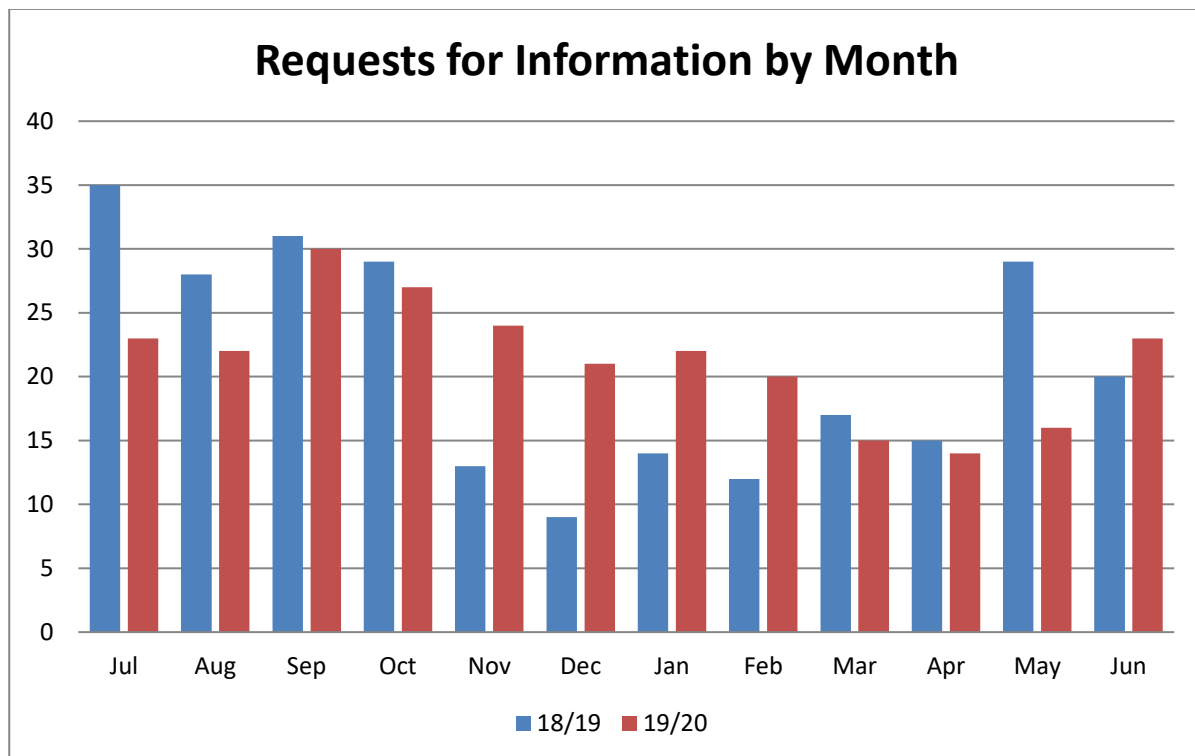
A total of 778 resource consent applications were received during the 2019 - 2020 financial year. This figure is lower than 2018/2019 where there were 879 applications received.

169 consent applications were received in the final quarter of the year, which is higher than the previous quarter despite the lockdown period. Although the total applications received is lower than the 2018/2019 year, there continues to be a steady flow of consents received.



The number of s92 (requests for further information)

Section 92 (s92) of the RMA allows Councils to request further information from an applicant before making the decision to refuse or grant consent. It can also be used to commission a specialist's report. A s92 RMA request is made when Council's planner doesn't have adequate information to decide on the proposal; they need further information to fully understand what is proposed and how these fit with planning rules, objectives and policies.



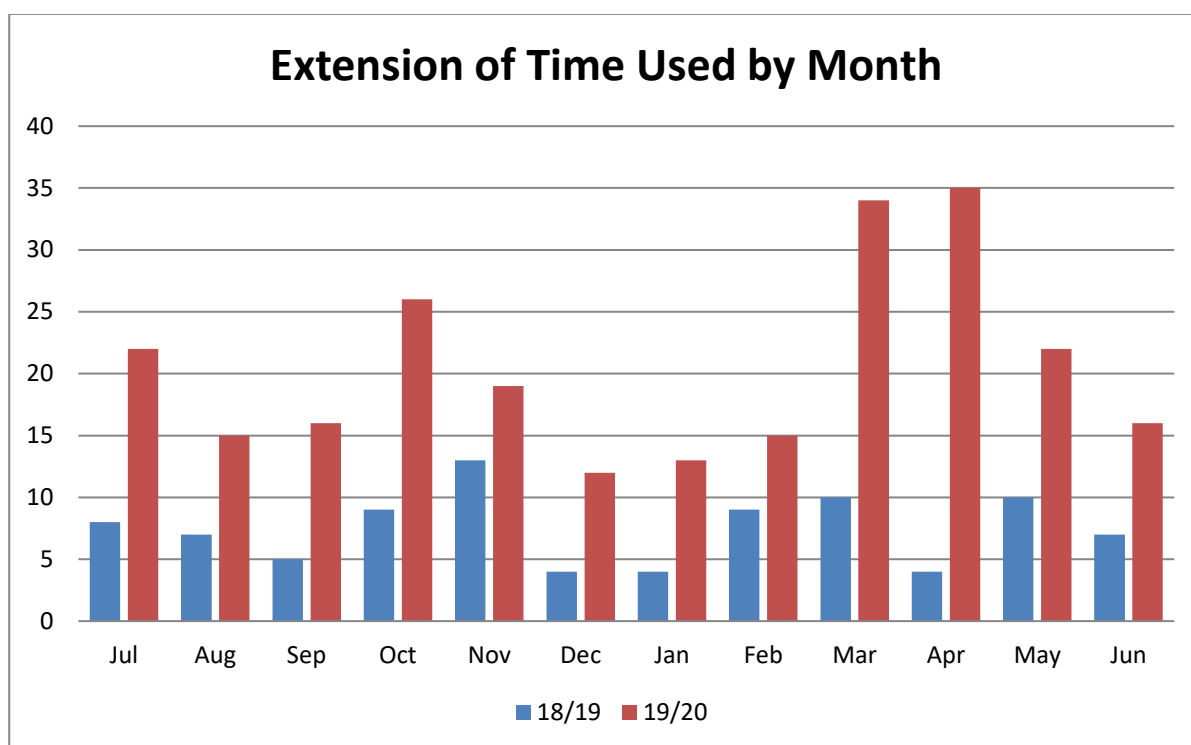
The number of s37's (extensions of time)

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

Under s37a (4), a council can extend a time limit (relating to the stated resource consent matters) for up to double the maximum period specified in the RMA when:

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

The high number of applications on s37 hold during the months of March and April 2020 reflects the Covid-19 lock down period where many applications could not be further processed or completed due to Planners and/or Engineers unable to conduct site visits.



The number of s88 (applications rejected)

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

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

In 2019/2020 there were eight applications rejected, the same number of applications rejected in the previous year.

Status of Discounts

The Resource Management (Discount on Administrative Charges) Regulations 2010 require local authorities to provide a discount for resource consent applications not processed within the statutory timeframes set out in the RMA. The discount set out by the regulations is 1% per day, up to a maximum of 50 working days.

The total for Resource Consent Discounts paid was \$185,000 (incl GST) for the 2019/2020 year. Over \$76,000 of this figure can be attributed to consultants. This amount paid out in discounts has dropped significantly in the second half of the year. This has been achieved by a combination of processing improvements, the filling of internal vacancies and better management of external consultants.

Total RC Discounts		
Month	GST Incl.	GST Excl.
July	\$23,700.54	\$20,609.17
August	\$37,613.32	\$32,707.23
September	\$52,565.73	\$45,709.33
October	\$25,712.91	\$22,359.05
November	\$8,280.86	\$7,200.75
December	\$16,277.25	\$14,154.13
January	\$1,922.63	\$1,671.85
February	\$10,226.58	\$8,892.68
March	\$2,604.72	\$2,264.97
April	\$1,054.25	\$916.74
May	\$3,222.42	\$2,802.10
June	\$1,746.69	\$1,518.86
	\$184,927.90	\$160,806.87

Environment Court Issues

The FNDC has no consents under appeal with the Environment Court.

There has only been one resource consent hearing so far this year which was held on 18 June. The application was for a four-lot subdivision off Inlet Road and the Commissioner's decision is expected shortly.

A further hearing is being scheduled for the Arvida Stage 2 development in September this year.

Mana Whakahono ā Rohe

The purpose of a Mana Whakahono ā Rohe is:

(a) to provide a mechanism for iwi authorities and local authorities to discuss, agree, and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under this Act; and

(b) to assist local authorities to comply with their statutory duties under this Act, including through the implementation of sections 6(e), 7(a), and 8.

Whakahono ā Rohe came in the amendments to the Resource Management Act in 2017.

Initiating a Mana Whakahono agreement is up to the individual Iwi Authority. However, to date there have been no agreements initiated in the Far North.

When an Iwi Authority starts this process, they go through the Te Hono Team. Once any agreements are reached under this section the Resource Consents Team then have a function as the team that processes consents.

Vision 2020 Update

The *Vision 20/20* process renovation project commenced in November 2019. The dual crises of the drought in January and the Covid-19 pandemic put this project largely on hold in February of 2020 as the Project Lead was seconded to the crisis management team. The project has now been handed

over to a planner (on secondment) to complete implementation. This is expected to be completed at the end of September 2020.

The project aims to improve efficiency of resource consent processing by improving systems efficiency and implementing new technology solutions to enable better processing times and customer service. There are 7 key project milestones to be delivered. The first milestone has been completed.

The six remaining milestones are progressing with critical work being done on the re-engineered workflows (milestone 2).

Milestone 2: Re-Engineered workflow is being completed by the previous Project Manager as handover of such a pivotal milestone would have been challenging. This milestone continues to be a high priority as other milestones are dependent on this one. The re-engineered workflow has been designed with simplicity in mind and is consistent with best practice on how we use the technology we have. The re-engineered workflow will be completed by the end of July 2020.

This milestone is key to the project and needs to be completed before meaningful progress can be made on **milestones 3 (Reporting and Business Intelligence) and 5 (Processing Clocks)**.

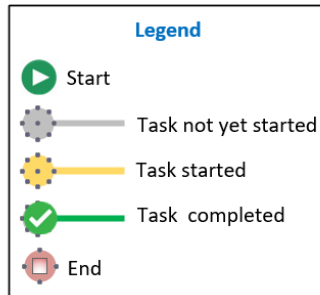
Additional scoping has been undertaken for **Milestone 4 (Electronic Document Delivery)** to identify which documents are able to benefit from this functionality. This was considered necessary as the testing that has been undertaken has identified limitations in the function which will affect which documents can be sent using this method. This milestone can be implemented without dependency on other milestones and will be progressed in parallel with milestone 2 over the next four weeks.

Milestone six: Consultant Processing

The access to Council's document management systems implemented in 2019 has had mixed results with some consultant planners having on-going technical issues. The initial proposal included access to Pathway, Council's records management system, which presents potential legal and ethical issues with consultants acting as applicants and regulatory planners. Consultation with Council's business analysts has resulted in a new solution being presented using the E-pathway system which is to be implemented in Milestone 7. This will allow consultants to access files and correspondence for specific consents via the new online portal being created. This functionality allows for better record keeping and access to filing systems without providing access to internal sensitive systems. Scoping of this option is underway and a detailed proposal will be provided for approval in early August 2020, once the online portal has been completed.

Milestone seven: Online Lodgement

Online Lodgement has seen significant progress. Consultants from Infor have built a prototype online lodgement system which has been reviewed by the project lead and Resource Consent Team Leaders. Feedback on the portal has been attained and detailed requirements documents are being prepared. These are estimated to be completed by mid-July 2020 and reconfiguration for a test portal will then commence.

Project Kick Off**Re-Engineered Workflow****Reporting****Electronic Document Delivery****Processing Clocks****Consultant Processing****Online Lodgement****FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

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

ATTACHMENTS

Nil

5.5 UPDATE ON LEGISLATIVE CHANGES INTRODUCED BY THE RESOURCE MANAGEMENT AMENDMENT ACT 2020

File Number: A2917333

Author: Rochelle Deane, Manager - Environmental Service

Authoriser: Dean Myburgh, General Manager - District Services

PURPOSE OF THE REPORT

To update the committee on the changes introduced by the Resource Management Amendment Act 2020 and the COVID-19 Recovery (Fast Track Consenting) Act 2020.

EXECUTIVE SUMMARY

The objectives of the **Resource Management Amendment Act 2020** are to:

- reduce the complexity of the RMA
- increase certainty
- restore public participation opportunities
- improve Resource Management Act 1991 processes.

This Act also supports the urgent need to improve freshwater management and outcomes and respond to climate change in New Zealand. It makes improvements to:

- resource consenting
- enforcement
- Environment Court provisions within the RMA.

The Government has introduced a short-term consenting process to fast track projects that can boost employment and economic recovery.

The COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) came into effect on 9 July

- The Act is intended to:
 - fast-track resource consenting and designation processes for eligible projects that are already planned and ready to go
 - accelerate the beginning of work on a range of different sized and located projects
 - support certainty of ongoing employment and investment across New Zealand.
- This supports the Government's objectives for economic, environmental and social wellbeing. The new Act will have a 'sunset clause' meaning it will be repealed two years from enactment.

RECOMMENDATION

That the Regulatory Compliance Committee receive the report Update on Legislative Changes introduced by the Resource Management Amendment Act 2020.

BACKGROUND

The Resource Management Amendment Act 2020 was recently passed by Parliament and makes several changes to the resource consenting and monitoring regimes. It also introduces a new

freshwater planning process and makes changes to the climate change provisions of the RMA. However, these relate mainly to regional council functions.

The COVID-19 Recovery Act 2020 came into effect on 9 July and has a two-year life span. It provides for a fast track consenting process as an alternative to making an application under the RMA. The Act specifies a number of projects in Schedule 2 to the Act which will go through this process and includes one project in the Far North District being the Matawii Water Storage Reservoir at Kaikohe. Other projects can apply to be considered under this process through the Order in Council procedures.

DISCUSSION AND NEXT STEPS

Resource Management Amendment Act 2020

The main changes to the resource consenting area are:

1. Provision for applicants to suspend the processing of their applications. Previously this provision only applied to notified applications and this is a positive move for applicants as it will enable them to have more time to review or amend their application once they have been lodged with the Council. It will also mean that Councils will no longer be required to issue a decision on whether an application is complete.
2. Applications for “residential activities” and subdivisions can now be publicly notified. This reverts to the pre 2017 situation where most types of application could be notified. Whilst most applications are processed non-notified a small percentage (less than 5%) are limited notified and even fewer publicly notified. The limited notification process has created a few issues particularly when a large or sensitive application is being processed especially when determining which parties may be potentially affected. In these instances, public notification can achieve a better result.
3. Councils can now suspend the processing of an application until the standard application fee has been paid. This will assist Council in the odd case when an applicant refuses to pay any fee.

These changes come into effect on 30 September this year.

The changes in respect of compliance, monitoring and enforcement provide for;

1. An increase in the maximum infringement fee from \$1000 to \$2000 for individuals and \$4000 for legal entities such as companies.
2. The time limit for filing charges for prosecutions increased from 6 months to 12 months after the event,
3. Provision for the Environmental Protection Agency to become involved in Council compliance issues. This can be to assist councils or to act when the council doesn't take action.

These changes came into effect from 1 July this year.

COVID-19 Recovery (Fast Track Consenting) Act 2020.

This Act came into effect on 9 July and has a two-year life span. It provides for a fast track consenting process as an alternative to making an application under the RMA. The Act specifies a number of projects in Schedule 2 to the Act which will go through this process and includes one project in the Far North District being the Matawii Water Storage Reservoir at Kaikohe. Other projects can apply to be considered under this process through the Order in Council procedures.

The implications for Council are that some major projects may proceed without Council having the ability to request changes or impose conditions to mitigate adverse effects on Council infrastructure or the environment. However, there is a requirement for the Minister to serve a copy on the relevant local authorities and invite them to submit any comments within 10 working days.

The Act also provides for the New Zealand Transport Agency and KiwiRail to carry out small scale repairs, maintenance and minor upgrades works without going through the normal consenting process. The current process is for an outline plan to be submitted to Council which then has 20 working days to request any changes to the project.

There could be some implications for Council where Council infrastructure is involved but there is a requirement for details to be sent to the relevant council with a ten-day window for any comments prior to the commencement of work.

Effectively this halves the time for Council to respond to such projects so it will be important that any notices under both the above provisions are circulated to the relevant Council Departments as soon as they are received.

FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or resources associated with this information report.

ATTACHMENTS

1. **Final-overview-of-changes-introduced-by-the-resource-management-amendment-act-2020 - A2917280** [↓](#) 



Overview of changes introduced by the Resource Management Amendment Act 2020

This factsheet provides an overview of the changes introduced by the Resource Management Amendment Act 2020.

Consenting – changes come into force at various times

- Applicants can suspend the processing of their non-notified resource consent applications – in force from 30 September 2020.
- Consent authorities can suspend the processing of resource consent applications until fixed administrative charges are paid (for lodgement and notification) – in force from 30 September 2020.
- The time period to lodge retrospective resource consent applications for emergency works (under section 330B) is extended to 60 working days – in force from 1 July 2020.
- Public notification and appeal preclusions for resource consents for subdivision and residential activities are removed – in force from 30 September 2020.
- The restriction on submitters to only appeal matters that were raised in their original submission is removed – in force from 1 July 2020.
- Subdivision activity reverts to the original presumption of being “restricted” – in force from 1 July 2020.

Compliance, monitoring and enforcement – changes come into force from 1 July 2020

- Enabling the maximum possible infringement fee (set in regulations) to increase to \$2,000 for natural persons and \$4,000 for other entities with legal personhood (such as corporate entities).
- The statutory limitation period to file charges for prosecutions increases to 12 months.
- The EPA is empowered to:
 - initiate its own RMA investigations if a council is not already involved in an active investigation
 - help councils with RMA investigations in progress at the request of the council
 - intervene in RMA cases and become the controlling lead agency of an investigation and subsequent enforcement action.

Freshwater – changes come into force from 1 July 2020

- The new freshwater planning process comes into force.
- Consent authorities can review conditions of multiple resource consents concurrently.
- The collaborative planning process is removed.
- Regulation-making powers for freshwater farm plans are in place.
- Regulations may be made to require fertiliser companies to report on the sales of fertiliser.
- Changes to regional policy statements may be called in by the Minister and directed to a Board of Inquiry or the Environment Court for a decision.
- Regulations may restrict stock access to waterbody margins.

Climate change – changes come into force at various times

- Councils must have regard to emissions reduction plans and national adaptation plans under the Climate Change Response Act 2002 (as amended by the Climate Change Response (Zero Carbon) Amendment Act) when making and amending regional policy statements, regional plans and district plans – in force from 31 December 2021 (unless extended by an Order in Council).
- Councils may consider discharges to air of greenhouse gas emissions, as the sections prohibiting councils from considering discharges are repealed (that is, sections 70A, 70B, 104E and 104F) – in force from 31 December 2021 (unless extended by an Order in Council).
- A Board of Inquiry or the Environment Court must take into account climate change when a matter is called in as a matter of national significance on the basis of its greenhouse gas emissions – in force from 1 July 2020.

Environment Court – changes come into force from 1 July 2020

- Special advisors to the Environment Court are protected from legal proceedings when acting in good faith.
- References to Principal Environment Judge are replaced with “Chief Environment Court Judge”.
- Changes relating to the appointment of alternate Environment Judges take effect.

Other – changes come into force from 1 July 2020

- The Resource Legislation Amendment Act 2017 is amended by repealing those parts that:
 - remove the ability to impose financial contributions as conditions of a resource consent
 - require financial contribution provisions in Resource Management Act plans to be removed.
- Financial contributions may not be recommended or imposed on notices of requirement lodged by the Minister of Education or the Minister of Defence as a requiring authority.
- The following regulation-making powers are removed:
 - Section 360D – regulations that prohibit or overturn rules in council plans which duplicate, overlap or deal with subject matter included in other legislation
 - Section 360G – regulations that prescribe activities as fast track
 - Section 360H – regulations that enable preclusion of notification for particular activities.

- The process for making national environmental standards is clarified.

Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The information provided does not alter the laws of New Zealand and other official guidelines or requirements. Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained from this publication.

The Ministry for the Environment does not accept any responsibility or liability whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on the Ministry for the Environment because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.

Published in June 2020 by the
Ministry for the Environment
Publication number: INFO 952



Making Aotearoa New Zealand
the most liveable place in the world
Aotearoa - he whenua mana kura mō te tangata

New Zealand Government

6 PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Confirmation of Previous Minutes - Public Excluded	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Kia tau ki a tātou katoa	May the grace of the
Te atawhai o tō tātou Ariki, a Ihu Karaiti	Lord Jesus Christ
Me te aroha o te Atua	And the love of God
Me te whiwhingatahitanga	And the fellowship of the Holy Spirit
Ki te wairua tapu	Be with you all
Ake ake ake,	Forever and ever
Amine	Amen

8 MEETING CLOSE